

## Article III. Zoning

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*This Article establishes zoning districts and describes the various uses permitted within the zoning districts, as well as design regulations. Several types of zoning districts are established. First, “Base” zoning districts are established in Division 2. These districts divide the City into various residential, commercial and industrial zones. Each district establishes uses which are permitted “as of right” and as a specific use. A use permitted as of right is compatible with the other uses within the district and, therefore, requires only administrative approval. Specific Uses require a public hearing in order to assess whether conditions are needed in order to make the use compatible with other uses in the district.*

*“Overlay” Districts are established in Division 4. Within these districts, the standards of both the Base and Overlay districts apply. These districts address special situations such as groundwater recharge, historic preservation, airport hazards, and utility conversions where the Base District regulations are not sufficient to protect the public.*

*“Special” Districts established in Division 5 involve uses which cannot be adequately addressed by the Base District regulations. Unlike the Overlay districts, these districts are independent of the Base zoning districts. The Special Districts have separate use and design regulations.*

*Division 6 establishes incentives in the form of additional density and other regulatory measures in order to encourage the provision of affordable housing, the preservation of environmental resources, the dedication of right-of-way for arterial streets, and the redevelopment of underutilized sites. Landowners are permitted through rezoning to transfer densities from sites that are inappropriate for development to sites that are suitable for increases in density.*

*Some uses, while permitted in a zoning district, raise special concerns which require additional, uniform regulations. These regulations are established in Division 7. They apply regardless of whether the use is permitted as of right or as a Specific Use within the district.*

*This Article implements the following policies of the Master Plan:*

- *Growth Management, Policy 1b: Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations.*
- *Growth Management, Policy 1b: Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas.*
- *Growth Management, Policy 1f: Encourage a balance of new development and redevelopment.*
- *Neighborhoods, Goal 4: Promote the provision of sound and affordable housing to all San Antonians.*

*Other goals and policies of the Master Plan applicable to specific districts and/or uses are referenced elsewhere in this Article.*

## DIVISION 1. GENERAL

### 35-301 Purpose

*Pursuant to VTCA Local Government Code § 211.001, the purpose of this article is to promote the public health, safety, morals, or general welfare and to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Pursuant to VTCA Local Government Code § 211.004, these regulations are adopted in accordance with the Master Plan and are designed to:*

- *lessen congestion in the streets;*
- *secure safety from fire, panic, and other dangers;*
- *promote health and the general welfare;*
- *provide adequate light and air;*
- *prevent the overcrowding of land;*
- *avoid undue concentration of population; or*
- *facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.*

*Consistent with the Master Plan, these regulations are designed to foster the following subsidiary purposes:*

- *Distribute land uses to meet the physical, social, cultural, economic, and energy needs of present and future populations; and*
- *Ensure that new development is compatible with surrounding development in use, character and size; and*
- *Provide for land uses which serve important public needs, such as affordable housing and employment generators; and*
- *Promote mixed-use buildings and mixed-use neighborhoods; and*
- *Promote infill housing and downtown retail and residential development; and*
- *Integrate civic uses into neighborhoods; and*
- *Protect natural resources; and*
- *Encourage retail development downtown.*

*In accordance with the foregoing purposes, this Article establishes regulations governing the following:*

- *the height, number of stories, and size of buildings and other structures;*
- *the percentage of a lot that may be occupied;*
- *the size of yards, courts, and other open spaces;*
- *population density; and*
- *the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes.*

- *In the case of designated places and areas of historical, cultural, or architectural importance and significance, this Article regulates the construction, reconstruction, alteration, or razing of buildings and other structures.*
- *the bulk of buildings.*

### **35-302      *General Requirements***

- (a) No land shall be used or occupied and no structures shall be designed, erected, altered, used or occupied except in conformity with all regulations herein established in this Article, compliance with all design standards established in this Article, and upon performance of all conditions attached to any Specific Use Permit, variance, appeal, conditional rezoning, or Master Development Plan issued pursuant to this Chapter.
- (b) No person, firm or corporation and no officer or employee thereof (either as owner or as participating principal, agent, servant or employee of such owner) shall sell, rent or lease or offer or attempt to sell, rent or lease any land or structure upon the representation, falsely made and known to be false, that such land or structure may be used or occupied in a manner or for a use prohibited by this chapter.

### **35-303      *Establishment of districts***

#### **(a)      *Base Zoning Districts***

In accordance with the requirement of VTCA Local Government Code § 211.005 that zoning regulation be by districts, the City, as shown on the Official Zoning Map accompanying this Chapter and incorporated herein by this reference, is hereby divided into the following zoning districts, the Overlay and Special Zoning Districts established in subsections (b) and (c) hereto, and the Conditional Zoning Districts established pursuant to [§ 35-321](#) of this Article, which shall be governed by all of the uniform use and area requirements of this Ordinance, the respective symbol for each type of district being set forth opposite its title:

“RP” Resource Protection  
“RE” Residential Estate  
“R-20” Residential Single-Family  
“R-6” Residential Single-Family  
“RM-6” Residential Mixed  
“R-5” Residential Single-Family  
“RM-5” Residential Mixed  
“R-4” Residential Single-Family  
“RM-4” Residential Mixed  
“MF-25” Multi-Family  
“MF-33” Multi-Family  
“MF-40” Multi-Family  
“MF-50” Multi-Family  
“O-1” Office

"O-2" Office  
"NC" Neighborhood Commercial  
"C-1" Light Commercial  
"C-2" Commercial "C-3" General Commercial C-2NA Commercial, Nonalcoholic Sales  
C-3R Restrictive Commercial  
C-3NA General Commercial, Nonalcoholic Sales  
"D" Downtown  
"L" Light Industrial  
"I-1" General Industrial  
"I-2" Heavy Industrial

**(b) Overlay Districts**

The City hereby establishes the following overlay districts which shall be governed by all of the uniform use and area requirements of this Chapter. Within these overlay districts, additional requirements are imposed on certain properties within one or more underlying general or conditional zoning districts. The Overlay Districts established by this Chapter, including the symbol for each type of district is as follows: ["AHOD" Airport Hazard Overlay District](#)

"ERZD" Edwards Recharge  
"H" Historic District  
"MAO-1" Military Airport Overlay 1  
"MAO-2" Military Airport Overlay 2  
["NC" Neighborhood Conservation Districts](#)  
["UC" Utility Conversion Districts](#)  
["VP" Viewshed Protection Districts](#)

**(c) Special Districts**

Special Districts are created by Division 5 of this Article to address unique situations. However, unlike Overlay Districts, Special Districts replace the standards and requirements of the Base Districts.

"MXD" Mixed Use District  
"TOD" Transit Overlay District  
"IDZ" Infill Development Zone  
"MPCD" Master Planned Community Districts  
"PUD" Planned Unit Development  
"RW-1" River Walk Overlay - 1  
"RW-2" River Walk Overlay - 2  
"RW-3" River Walk Overlay - 3  
"RW-4" River Walk Overlay - 4  
"RW-5" River Walk Overlay - 5  
"RW-6" River Walk Overlay - 6  
"RW-N" River Walk Overlay – Node  
"MR" Military Reservation District  
"BP" Business Park District  
"SG" Sand & Gravel District  
"QD" Quarry District  
"ED" Entertainment District

“DR” Development Reserve  
“NP-8” Neighborhood Preservation District  
“NP-10” Neighborhood Preservation District  
“NP-15” Neighborhood Preservation District  
“MH” Manufactured Housing District

**(d) Conditional Zoning Districts**

See [§ 35-321](#) of this Article.

**(e) Additional Zoning Districts**

Additional zoning districts may be added from time to time upon the recommendation of the Zoning Commission to the City Council pursuant to § 35-421 of this Chapter. Proposed changes to the zoning district regulations, including the addition of new zoning districts and incidental changes to the Official Zoning Map, may be submitted by the Zoning Commission or any other interested party.

**(f) Conversion Matrix**

Districts established prior to the date of adoption of this Ordinance are set forth in Appendix D to this Chapter. The City hereby finds and determines that the existence of two separate zoning district classifications, one dating from 1938 and the other dating from 1965, causes confusion and difficulties in the administration of the zoning regulations and periodic updates to the City’s comprehensive planning policies. In order to ease the administration of this Ordinance, the City hereby adopts the conversion matrix established in Appendix D to this Ordinance by reference in order to determine the appropriate zoning classification each property within the zoning jurisdiction of the City.

## **35-304 Official Zoning Map**

The maps delineating the boundaries of the various zoning districts together with all matters and things shown on such maps are adopted and approved, incorporated herein and made a part thereof and collectively shall constitute the official zoning map. These maps are on file in the office of the Director of Planning, and such zoning maps and all notations, references and other information shown on such zoning maps are as much a part of this chapter as if the matters and information set forth by such maps were all fully described herein. All amendments to the official map shall be listed in the order adopted in a separate register maintained in and kept current by the department of planning. The official zoning map shall carry the zoning district designations established in § 35-303 and Appendix D (Conversion Matrix) to this Chapter.

## **35-305 Zoning district boundaries**

When definite distances in feet are not shown on the zoning map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the right-of-way or center lines of streets, highways, or alleys shall be construed to follow such right-of-way or center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits;
- (d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- (e) Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (f) Whenever any street, alley or other public way not subject to zoning regulations is vacated by official action of the city council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the center of such vacation, and all area so involved shall then and henceforth be subject to all regulations of the extended districts;
- (g) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning maps, or in other circumstances not covered by the foregoing, the Director of Planning shall interpret the district boundaries with appeal to the Board of Adjustment.

### **35-306      *Rezoning***

The City Council may, from time to time, reclassify a parcel from one zoning district to another as provided by VTCA Local Government Code § 211.007 and § 35-421 of this Chapter.

### **35-307      *Newly annexed territory***

Annexed property shall be zoned in accordance with the procedures required by state law and this Section.

#### **(a)      *Generally – Interim Zoning***

From the date of annexation until the property is zoned to a permanent zoning classification, annexed property will be zoned as an interim “RP” Development Reserve (“DR”) district except as otherwise provided in this section.

#### **(b)      *Zoning in conjunction with annexation proceedings***

The owner, or owners of property being annexed to the city, may apply for zoning of said property on or after the date on which the city council institutes annexation proceedings as referred to in VTCA Local Government Code, Sec. 43.0561 (“first reading” ordinance, Section , paragraph 2 of the City Charter). In connection with such proceedings, the provisions of the state enabling legislation (VTCA Local Government Code, Chapter 211) and of this chapter concerning notice to adjacent property owners and by publication, public hearing or hearings and recommendation by the zoning commission shall be



followed, and further, notice shall be mailed to those property owners, both inside and outside the corporate limits of the city, whose property is within two hundred (200) feet of the area in question.

**(c)     *Master-Planned Developments***

For any master-planned development approved as a Planned Unit Development, Master Planned Community District, Traditional Neighborhood Development, or a Business Park, the City may incorporate the terms of the City approved Master Development Plan into a zoning ordinance following annexation of a property.

**(d)     *Development Agreements***

Property that is subject to a development agreement may be designated in accordance with any zoning district classifications set forth in the development agreement, and shall be regulated by the development agreement. Said zoning classifications shall be applied upon the revision of the Official Zoning Map pursuant to § 35-421 of this Chapter. For purposes of this subsection, a “development agreement” means and refers to any agreement adopted pursuant to VTCA Local Government Code §§ 43.0563 (Contracts For Provision Of Services In Lieu Of Annexation); 42.046 (Designation of a Planned Unit Development District in Extraterritorial Jurisdiction); and 43.127 (Annexation for Full Purposes).

**(e)     *Long Range Comprehensive Plan***

The Master Plan requires the City to prepare a comprehensive land use plan (Urban Design, Policies 1a, 1c). Pursuant to VTCA Local Government Code § 219.002, the City may prepare a comprehensive plan to “coordinate and guide the establishment of development regulations” pursuant to § 35-420 of this Chapter. Accordingly, the City may prepare a Comprehensive Plan with land use categories and a designation of the zoning districts related to the land use categories as part of a Comprehensive Plan. The owner or owners of property may apply for rezoning to a classification consistent with the Comprehensive Plan in lieu of a temporary zoning classification, in accordance with the procedures set forth in subsection (a) hereto.

## DIVISION 2 BASE ZONING DISTRICTS

*The purpose of this Article is to implement the land use policies of the Master Plan. Pursuant to VTCA Local Government Code § 211.004, all zoning ordinances or regulations adopted pursuant to this Ordinance shall be consistent with the Comprehensive Plan and any specific plans of the City Council. Each subsection describes the relationship between the various zoning district and the Master Plan, and prescribes the design regulations for the district.*

### **35-310 Zoning District Purpose Statements and Design Regulations**

*This Section implements the following provisions of the Master Plan:*

- *Urban Design, Policy 1b: Greater density and diversity of development consistent with these urban design policies.*
- *Urban Design, Policy 1e: Permit zero Setbacks for commercial and multi--family developments.*

#### **35-310.01 Generally**

- (a) No building permit shall be issued unless the proposed development conforms to the design regulations prescribed within the applicable zoning district. Rules for interpreting the design regulations are included in the Lot Layout, Height, and Density/Intensity Standards (Article 5, Division 4 of this Chapter (§§ 35-515 to 35-517)).
- (b) The design regulations for each district are included in Table 310-1 below. The design standards are illustrated graphically for each zoning district a subsection entitled "Summary of Lot and Building Specifications" in each §§ 35-310.01 to 35-310.14, below. To the extent that there is any inconsistency between the provisions of Table 310-1 and the illustrations in the Summaries of Lot and Building Specifications, below, the provisions of Table 310-1 shall govern. Specific rules of interpretation and exceptions to the zoning district design regulations are as set forth in the Lot Layout, Height, and Density/Intensity Standards (Article 5, Division 4 of this Chapter).
- (c) Unless expressly permitted as an Accessory Use, a use permitted in the "RE," "R-20," "R-6," "R-5," "R-4," "RM-6," "RM-5," "RM-4," "MF-25," "MF-33," "MF-40," or "MF-50" districts must occur within a completely enclosed structure.
- (d) An Application approval of a subdivision plat within the incorporated areas of the City must comply with Table 310-2, below, where the proposed subdivision abuts an existing subdivision which was recorded and substantially developed as of the effective date of this Chapter (hereinafter the "Existing Subdivision"). The lots abutting the Existing Subdivision ("buffer lots") must comply with the following minimum lot sizes:

Table 310-2

Zoning of Adjacent Subdivision	Buffer Lots
R-20	R-20
RE	R-20 or RE

Table 310-1

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)	(L)	(M)
Zoning District	Minimum Lot Size Conventional	Maximum Density	Minimum Frontage	Minimum Lot Width	Maximum Lot Width	Maximum Building Height	Minimum Front Setback	Maximum Front Setback	Minimum Side Setback	Minimum Rear Setback	Maximum Building Size (Individual Buildings)	Maximum Building Size (Aggregate)
CS	10 acres	0.1	—	—	—	35 / 2-½	15	—	5	—	—	—
RE	43,560	1	100	120	—	35 / 2-½	15	—	5	30	—	—
R-20	20,000	2	65	90	—	35 / 2-½	10	—	5	30	—	—
R-6 <sup>(1)</sup>	6,000	7	30	50	150	35 / 2-½	10	35	5	20	—	—
R-5 <sup>(1)</sup>	5,000	9	30	45	150	35 / 2-½	10	35	5	20	—	—
R-4 <sup>(1)</sup>	4,000	11	20	35	150	35 / 2-½	10	35	5	20	—	—
RM-6 <sup>(1)</sup>	6,000	7	15	15	150	35 / 2-½	10	35	0	20	—	—
RM-5 <sup>(1)</sup>	5,000	9	15	15	100	35 / 2-½	10	35	0	10	—	—
RM-4 <sup>(1)</sup>	4,000	11	15	15	80	35 / 2-½	10	30	0	10	—	—
MF-25 <sup>(1)</sup>	—	25	50	50	—	35	0	20	5	10	—	—
MF-33 <sup>(1)</sup>	—	33	50	50	—	45	0	20	5	10	—	—
MF-40 <sup>(1)</sup>	—	40	50	50	—	60	0	20	5	10	—	—
MF-50 <sup>(1)</sup>	—	50	50	50	—	—	0	20	5	10	—	—
O-1	—	—	50	50	—	25	0	35	20 <sup>(2)</sup>	30 <sup>(2)</sup>	10,000	90,000
O-2	—	—	50	—	—	—	25	80	20 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
NC	—	—	—	—	—	25	0	15	10 <sup>(2)</sup>	30 <sup>(2)</sup>	3,000	—
C-1	—	—	50	50	—	25	0	20	10 <sup>(2)</sup>	30 <sup>(2)</sup>	5,000	15,000
C-2	—	—	—	—	—	25	0	35	10 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
C-3	—	—	—	—	—	35	0	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
D	—	—	—	—	—	—	0	20	—	—	—	—
L	—	—	80	—	—	35	25	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
I-1	—	—	80	80	—	60	30	—	30 <sup>(2)</sup>	30 <sup>(2)</sup>	—	—
I-2	—	—	100	100	—	60	30	—	50 <sup>(2)</sup>	50 <sup>(2)</sup>	—	—

**Rules for Interpretation of Table 310-1:**

**Generally.** The requirements for the parameters set forth in Columns (B) through (M), above, relate to the zoning district specified in the row under Column (A), above. A dash (–) indicates that the requirement does not apply within the particular zoning district. The dimensions specified in Columns (D) through (K) are expressed in linear feet. The dimensions specified in Columns (B), (L) and (M) are expressed in square feet unless otherwise provided. Rules of interpretation and additional standards for setback and height requirements are set forth in the Lot Layout, Height and Density/Intensity Standards (§ 35-515 to 35-517 of this Code).

**Column (B):** Minimum lot size (Column (B)) applies only to Conventional Option, single-family detached developments (see § 35-201 of this Chapter). The minimum lot size figures are expressed in square feet, unless otherwise indicated. Additional rules of interpretation are set forth in subsection (d) of this Section for minimum lot area.

**Column (C):** The maximum density requirements (Column (C)) are expressed in dwelling units per gross acre. Additional rules of interpretation are set forth in §§ 35-515 of this Chapter.

**Column (D):** Frontage is defined as the distance where a property line is common with a street right-of-way line. For irregular shaped lots, see § 35-515(c)(4).

**Column (E):** Lot width is defined as the width of the lot at the front setback line. For irregular shaped lots, lot width shall be measured at the front building line rather than the front setback line.

**Column (F):** Maximum lot widths apply only to detached single family residential development.

**Column (G):** Height is defined as the distance from finished floor elevation to the highest peak of the structure. All dimensions are in feet provided, however, that for zoning districts "RP" through "RM-4," the first number refers to feet and the second number refers to stories. A "story" is that part of a building between the surface of a floor and the ceiling immediately above. Additional height may be provided with increases in the minimum front and side setbacks shall increase as provided in § 35-517(d). Notwithstanding the requirements of Table 310-1, the maximum height (prior to applying any increase provided in § 35-517(d)) for an "O-2," "MF-25" or "MF-33" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this Chapter shall be thirty-five (35) feet or 2-½ stories.

**Column (H):** For Townhouse and Attached Single-Family, the minimum front setback shall be twenty (20) feet unless all off-street parking is located in the rear of the Principal Building and the lot abuts an alley or driveway with a minimum width of 24 feet. Additional setbacks are required for height increases as set forth in § 35-517(d).

**Column (J):** The side setback requirements in the RM-6, RM-5, and RM-4 districts may be reduced to 0 on one side lot line and 10 on the other side lot line where needed to accommodate Zero Lot-Line development (see section 35-373 of this Article). Additional setbacks are required for height increases as set forth in § 35-517(d).

**Column (K):** Rear setback requirements shall not apply to any use in the NC, O-1, O-2, C-1, C-2, or C-3 zoning districts which abuts an alley or another structure within any of these districts. Notwithstanding the requirements of Table 310-1, an "MF-25," "MF-33," "MF-40" or "MF-50" zoning district adjoining a platted subdivision zoned "RE" or "R-20" as of the effective date of this Chapter shall have a minimum rear setback of forty (40) feet, and parking areas shall be located at least five (5) feet from any fence along the rear property line.

**Columns (L & M):** Dimensions are in square footage. See §§ 35-310.17(a)(2) and 35-310.18(a)(2) for specific rules of interpretation. Additional square footage may be available if a Specific Use Permit is approved, in accordance with these provisions.

**Column (M):** The aggregate square footage refers only to non-residential square footage. Where residential uses are permitted, (1) the square footage of non-residential uses within the contiguous boundaries of the district may not exceed the aggregate square footage, and (2) the aggregate square footage may be exceeded where the square footage exceeding the maximum aggregate square footage is devoted to residential uses.

**Note (1) - Column (A):** See §§ 35-372, 35-373, 35-515, & 35-516 of this Code for standards applicable to uses other than detached single-family dwellings.

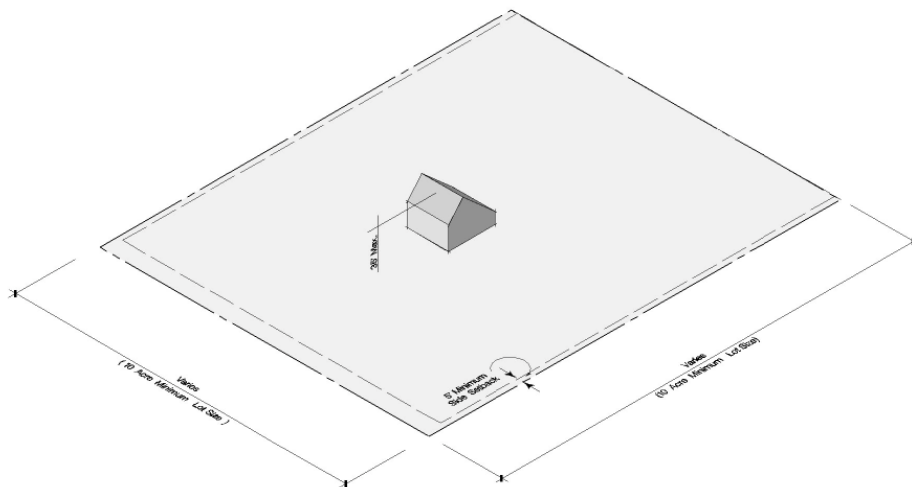
**Note (2) - Columns (J) & (K):** Applies only to the setback area measured from a lot line which abuts a residential use or residential zoning district. The side or rear setback shall be eliminated where the use does not abut a residential use or residential zoning district.

### 35-310.02 “RP” (Resource Protection) District

*Purpose: the RP (Resource Protection) district provides areas for agricultural operations and natural resource industries. These districts are composed mainly of unsubdivided lands that are vacant or in agricultural uses with some dwellings and some accessory uses. “RP” zoning protects and preserves valuable agricultural areas, implements agricultural and natural resource protection, establishes performance standards for rural businesses, preserves rural areas, preserves pasture land and agriculture, and identifies areas appropriate for agricultural preservation. The “RP” District may be used to establish a buffer of low intensity uses along streams, floodplains, and similar environmentally sensitive areas. The “RP” District implements the following policies of the Master Plan:*

- *Growth Management, Policy 1f: Encourage a balance of new development and redevelopment. This district partially implements Policy 1f by discouraging leapfrog or premature subdivision, thereby directing growth to built-up areas with public facilities and services.*
- *Natural Resources, Policy 2d: Preserve the integrity of the natural settings of neighborhoods, communities, open spaces and parks, and develop clear procedures for their enforcement.*
- *Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.*

**The RP District should normally be located in areas with large tracts of open space, agricultural areas, woodlands, or fields. The RP district should not be designated in areas with central water and sewer, or where Collector or higher order streets are spaced closer than (1) mile apart.**



**Figure 1 Summary of Lot and Building Standards, “RP” District**

### 35-310.03 “RE” Residential Estate District

The Rural Estate (RE) district is the designation for a low-density residential use on a lot that is a minimum of one acre. The “RE” District implements the following policies of the Master Plan:

- Growth Management, Policy 1b: Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas.
- Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.
- Urban Design, Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.

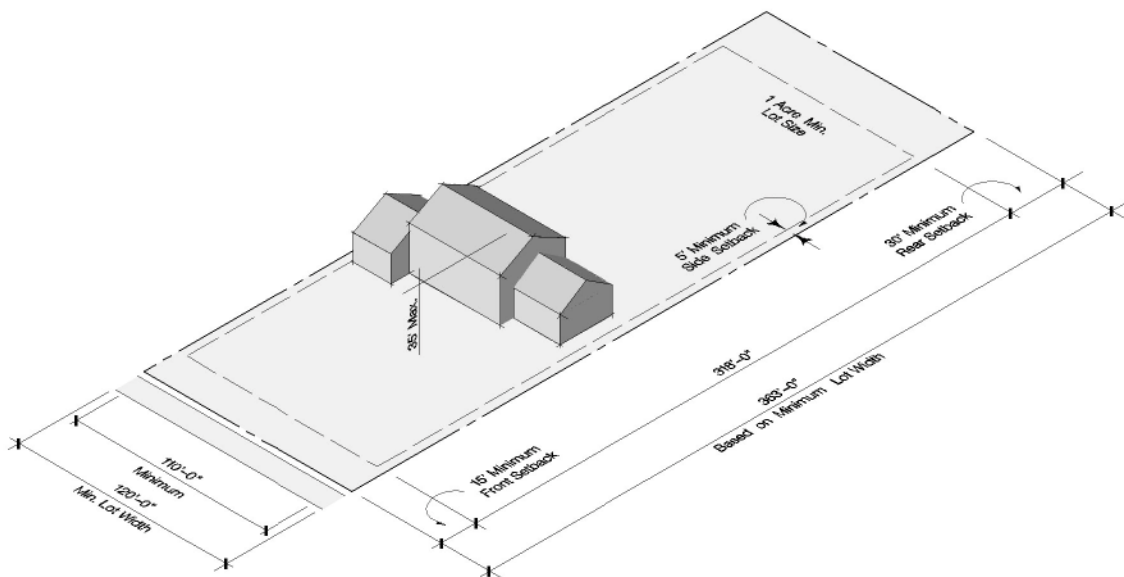


Figure 2 Summary of Lot and Building Standards, “RE” District



### 35-310.04 "R-20" (Residential Single-Family)

This district provides areas for low-density single family uses which provide a buffer between the agricultural and RE classifications and the higher density areas of the City. Minimum lot size requirements are provided in order to allow for market and design flexibility while preserving neighborhood character.

The R-20 District implements the following policies of the Master Plan:

- Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.
- Urban Design, Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.

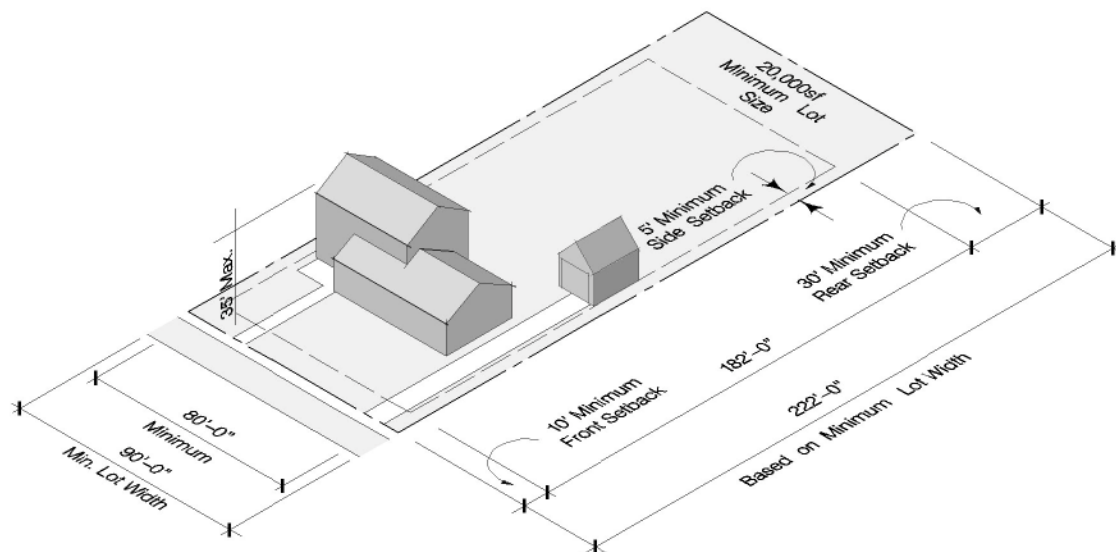


Figure 3 Summary of Lot and Building Standards, "R-20" District

### 35-310.05 R-6, R-5 and R-4 (Residential Single-Family)

These districts provide areas for medium- to high-density, single-family residential uses where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing single-family dwellings and open area where similar residential development seems likely to occur. Residential Single-Family provides minimum lot size and density requirements in order to preserve neighborhood character.

These Districts implement the following policies of the Master Plan:

- Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.
- Urban Design, Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure
- Urban Design, Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments.

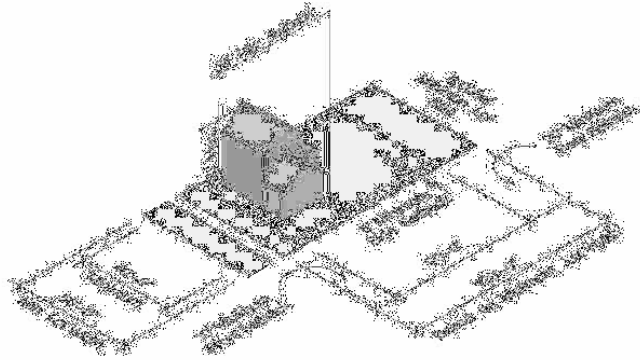


Figure 4 Summary of Lot and Building Standards, "R-6" District

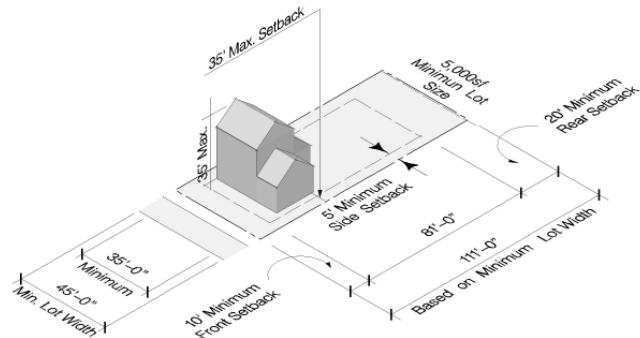


Figure 5 Summary of Lot and Building Standards, "R-5" District

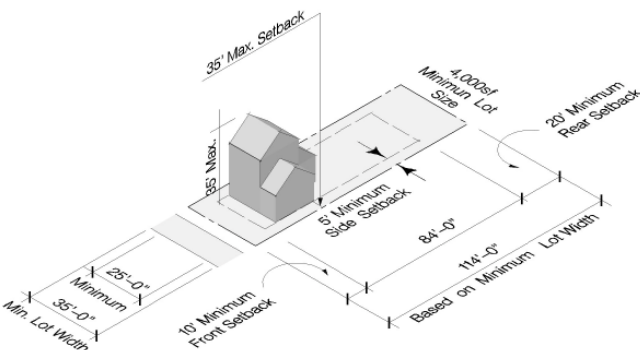


Figure 6 Summary of Lot and Building Standards, "R-4" District

## 35-310.06 RM-6, RM-5, & RM-4 (Mixed Residential)

### (a) Purpose

These districts provide areas for medium to high-density, single-family residential uses mixed with a variety of housing types where adequate public facilities and services exist with capacity to serve development. These districts are composed mainly of areas containing a mixture of single-family, two-family and multi-family dwellings and open space where similar residential development seems likely to occur. The district regulations are designed to encourage a suitable neighborhood environment for family life by including among the permitted uses such facilities as schools and churches; and to preserve the openness of the area by requiring certain minimum yard and area standards. Mixed Residential Districts provide flexible minimum lot size and density requirements in order to allow for market and design flexibility while preserving the neighborhood character and permitting applicants to cluster development in order to preserve environmentally sensitive and agricultural land areas.

These districts implement the following policies of the Master Plan:

- *Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with*

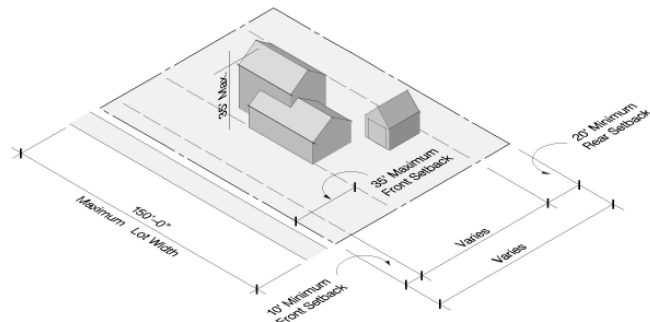


Figure 7 Summary of Lot and Building Standards, "RM-6" District

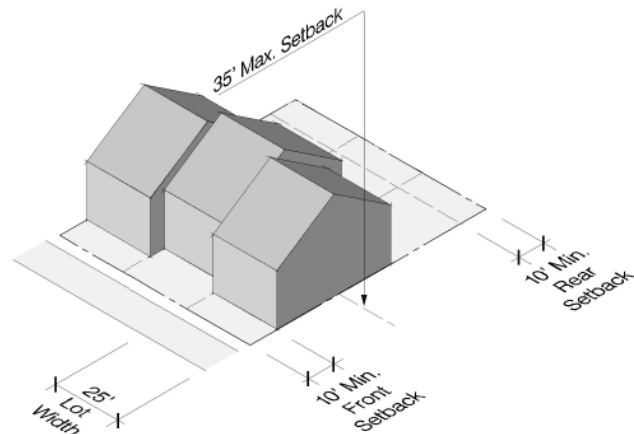


Figure 8 Summary of Lot and Building Standards, "RM-5" District

*less intensive development between neighborhood centers, and implement these changes through zoning.*

- *Urban Design, Policy 1c: Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure*
- *Urban Design, Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments*
- *Urban Design, Policy 1a: Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*

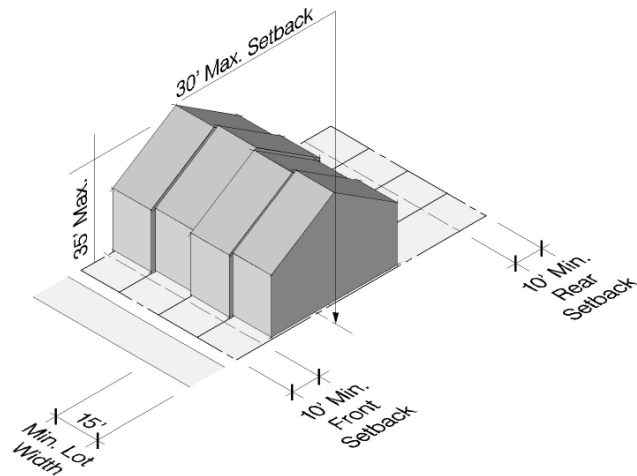


Figure 9 Summary of Lot and Building Standards, "RM-4" District

**(b) Lot and Building Specifications**

- (1) Where permitted in any Residential Mixed District (e.g., RM-6, RM-5, or RM-4), the housing types listed below shall be subject only to the density restrictions in the zoning district (Table 310-1, Column (C)) and shall not be subject to the front, side and rear setback requirements of Table 310-1 (§ 35-310.01 of this Code):

Single-Family Attached Dwellings  
Multi-family (subject to the Use Matrix, Table [311-1](#))  
Duplexes  
Triplexes  
Quadruplexes  
Rowhouses or Townhouses  
Zero-Lot Line Houses  
Cottages  
Housing Facilities for Older Persons

- (2) The provisions of Table 310-1 shall only apply to Single Family Detached Dwellings.

### 35-310.07 "MF-25," "MF-33," "MF-40," and "MF-50" Multi-Family

#### (a) "MF-25" Limited Density

Multi-family residence limited density (MF-25) district is the designation for a multi-family use with a maximum density of up to 25 units per acre, depending on unit size. An MF-25 district designation may be applied to a use in a residential neighborhood that contains a mixture of single family and multi-family uses or in an area for which limited density multi-family use is desired. An MF-25 district may be used as a transition between a single family and higher intensity uses.

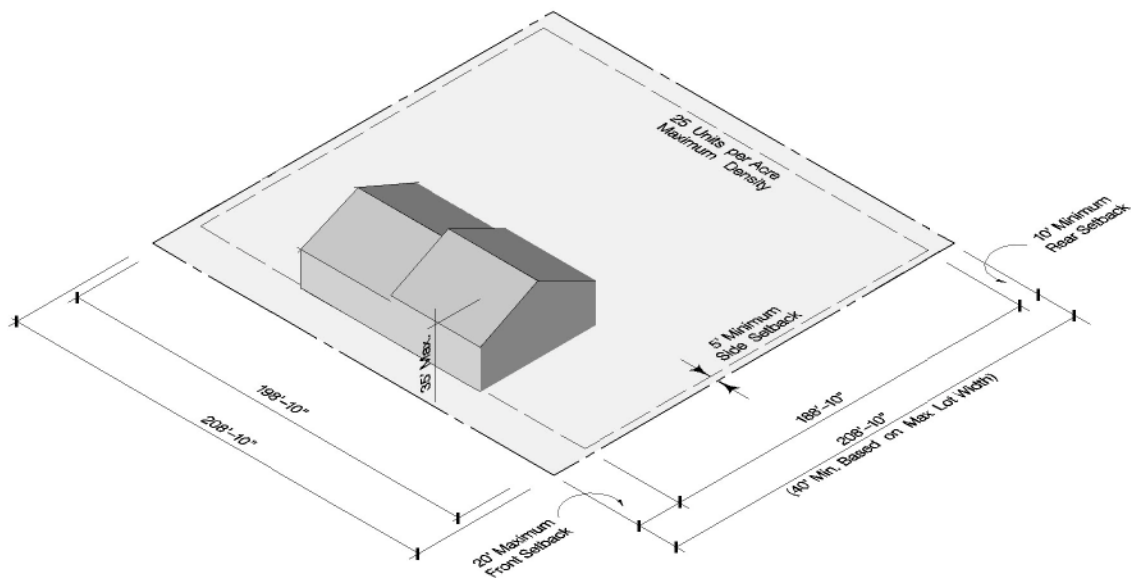


Figure 10 Summary of Lot and Building Standards, "MF-25" District

**(b) "MF-33" Multi-Family**

Multi-family residence medium density (MF-33) district is the designation for multi-family use with a maximum density of up to 33 units per acre, depending on unit size. An MF-33 district designation may be applied to a use in a multi-family residential area located near supporting transportation and commercial facilities in a centrally located area or in an area for which medium density multi-family use is desired.

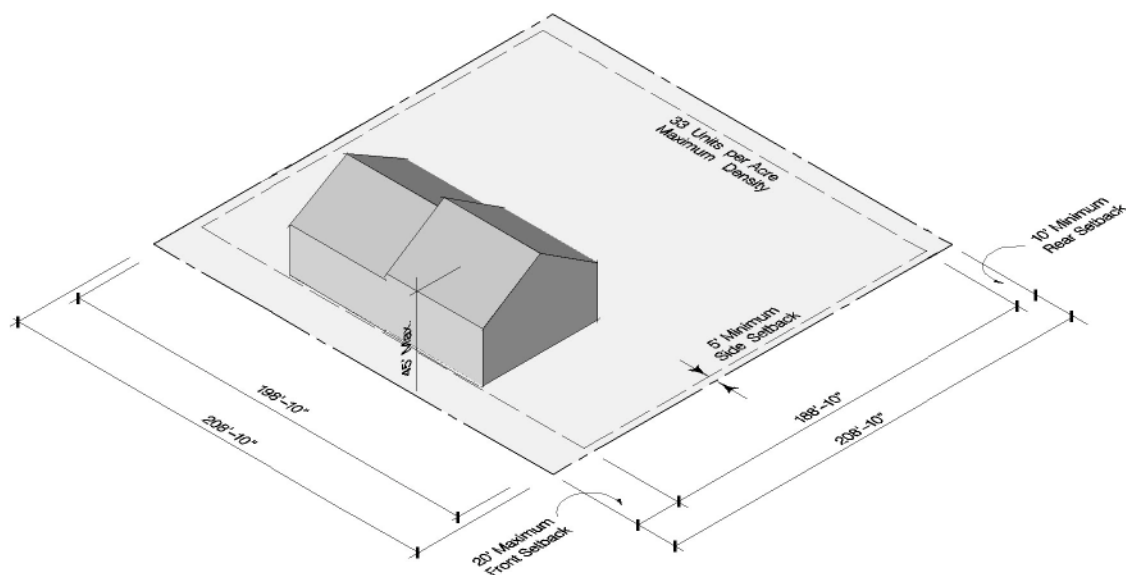


Figure 11 Summary of Lot and Building Standards, "MF-33" District

**(c) "MF-40" Multi-Family**

Multi-family residence moderate - high density (MF-40) district is the designation for multi-family and group residential use with a maximum density of 40 units per acre, depending on unit size. An MF-40 district designation may be applied to high density housing in a centrally located area near supporting transportation and commercial facilities, in an area adjacent to the central business district or a major institutional or employment center, or in an area for which moderate to high density multi-family use is desired.

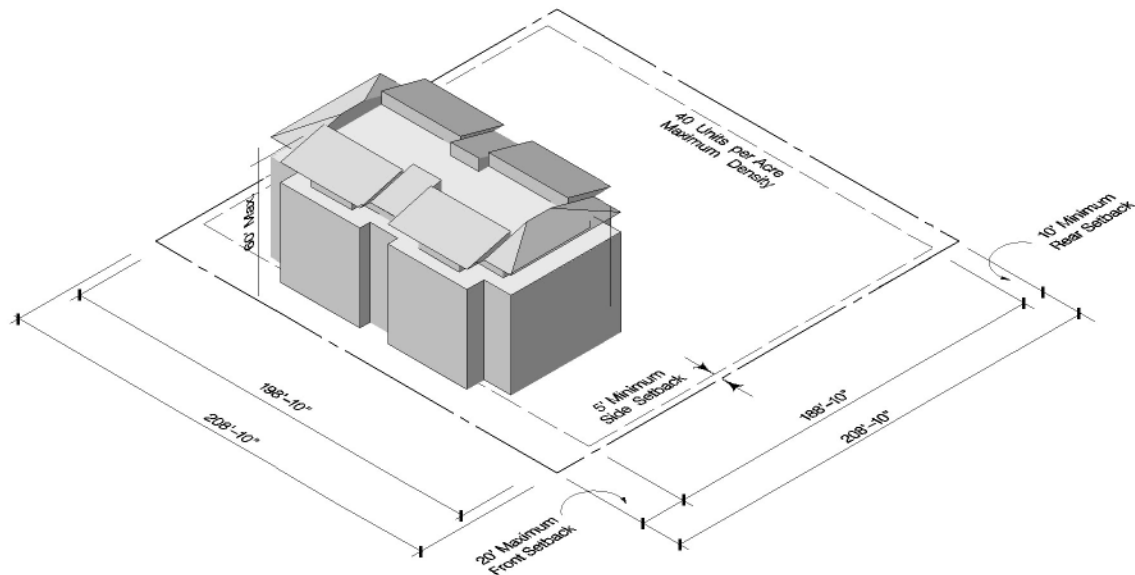


Figure 12 Summary of Lot and Building Standards, "MF-40" District



**(d) "MF-50" Multi-Family****(1) Purpose**

Multi-family residence high density (MF-50) district is the designation for multi-family and group residential use with a maximum density of up to 50 units per acre, depending on unit size. An MF-50 district designation may be applied to a use in a centrally located area near supporting transportation and commercial facilities, an area adjacent to the central business district or a major institutional or employment center, or an area for which high density multi-family use is desired.

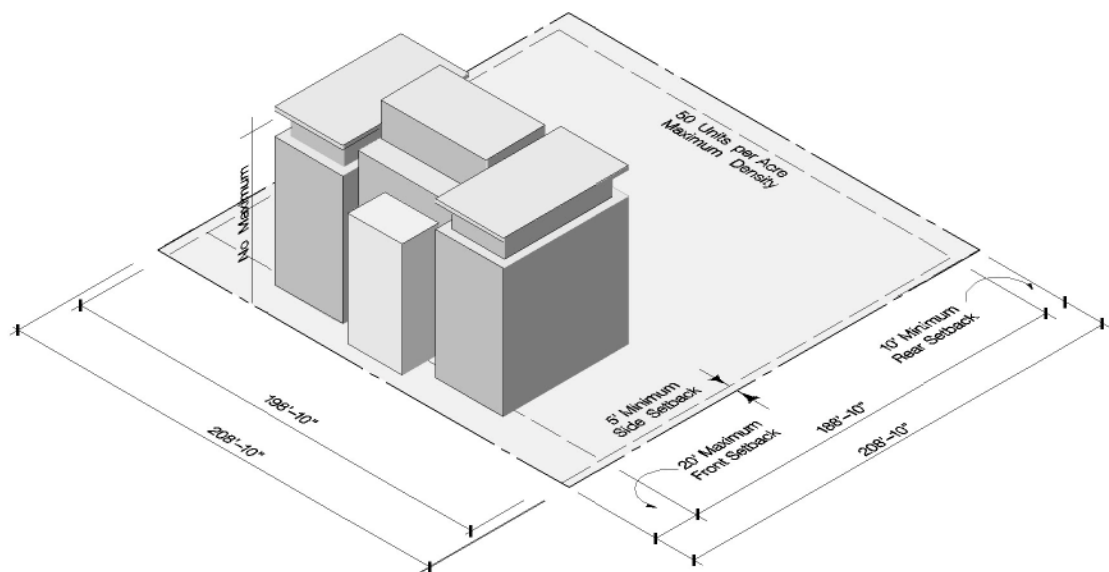


Figure 13 Summary of Lot and Building Standards, "MF-50" District

**(2) General Provisions**

See § 35-517(d) relating to additional setback for building height increases.

## 35-310.08 NC (Neighborhood Commercial)

### (a) Purpose

This district provides small areas for offices, professional services, service and shopfront retail uses, all designed in scale with surrounding residential uses. The district regulations are designed to protect and encourage the transitional character of the districts by permitting a limited group of uses of a commercial nature and to protect the abutting and surrounding residential areas by requiring certain minimum yard and area standards to be met which are comparable to those called for in the residential districts. These districts are also intended to reduce energy consumption by permitting a limited group of commercial uses to be located in close proximity to residential areas. This district provides a balance of residential and non-residential land use opportunities reflecting the economic needs of residents and business owners. The NC District implements the following policies of the Master Plan:

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create neighborhood commercial districts.*
- *Urban Design, Policy 1a: Based on a comprehensive land use plan, encourage more intensive development in and near neighborhood centers with less intensive development between neighborhood centers, and implement these changes through zoning.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system..*

NC districts should be limited to:

- *the intersection of arterial/collector, collector/collector, collector/local street intersections, except where an existing commercial area has been established prior to the adoption of this Chapter; or*
- *the interior of a block along an arterial or collector street which lies parallel to an existing commercial area.*

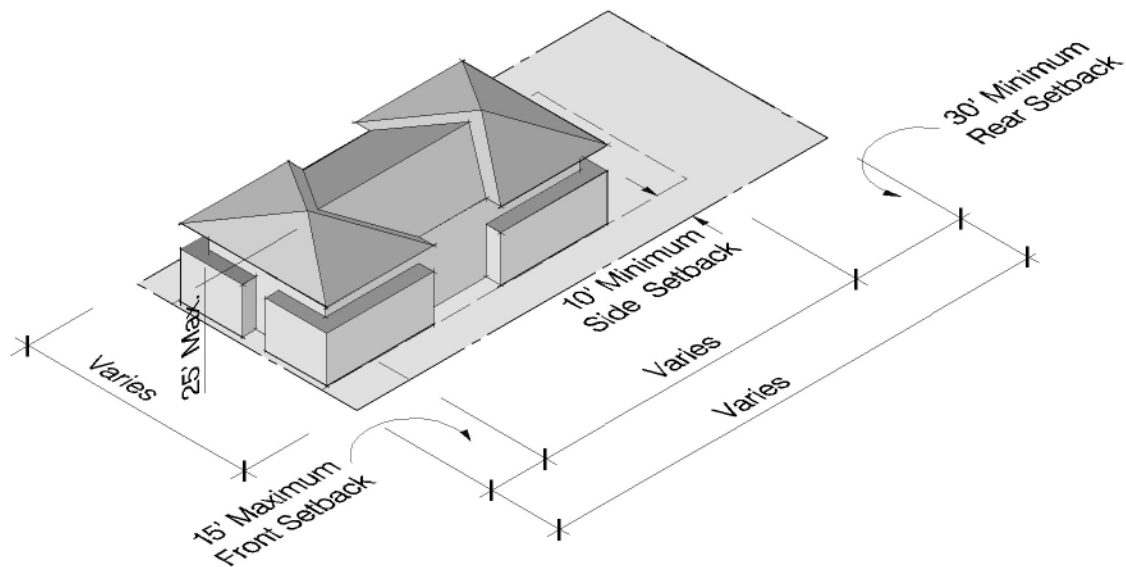


Figure 14 Summary of Lot and Building Standards, "NC" District

**(b) Lot and Building Specifications**

- (1) In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each "NC" district. Individual buildings shall not exceed the following:
  - A. 3,000 square feet of gross floor area for a single-use building; or
  - B. a 3,000 square foot building footprint for a Mixed-Use Building or a Live-Work Unit, so long as the building does not exceed two (2) stories.
- (2) Buildings shall conform to the design standards established in subsection (c)(2) of this Section.

**(c) General Provisions****(1) Generally**

- A. Service entrances and service yards shall be located only in the rear or side yard of the business use. Service yards shall be screened from adjacent residential zones or uses by the installation and maintenance of a solid wall or fence having a height of not less than four (4) feet or greater than six (6) feet or vegetation having a minimum height of four (4) feet. Refuse enclosures shall be located at the rear of the site and screened with a wall and gate.
- B. Animal clinics shall provide all care on an out-patient basis only. Overnight boarding of animals is not permitted.
- C. Outside dining with consumption of alcoholic beverages incidental to food sales for restaurants are permitted subject to the following conditions: (1) no permanent structures shall be placed within the yard Setbacks; (2) no live entertainment or amplification shall be permitted outside; and (3) a six-foot solid screen fence shall be erected and maintained adjacent to all residentially zoned property.
- D. No external sound systems or live music shall be allowed in an "NC" district.
- E. No outdoor storage or display of goods shall be permitted except for outdoor dining.
- F. Signage in an "NC" district shall be limited to one sign per occupied space on the building. Signs in an "NC" district may be lighted but shall not utilize any moving parts or flashing lights. No inflatable advertisement signs of logos, products or figures may be utilized temporarily or permanently in a "NC district".
- G. Drive-Through Uses shall not be permitted.

**(2) Design**

- A. Parking areas for new buildings or structures shall be located in the rear of the Principal Use or Principal Building. This subsection shall not apply to buildings which exist at the time of a rezoning to "NC."
- B. Buildings shall contain ground level fenestration (transparent windows and openings at street level) shall conform to the Commercial Urban Design Standards, § 35-204(o)(6) of this Code.
- C. Buildings shall be articulated so that facades which face public streets and exceed fifty (50) feet in horizontal length shall include vertical piers or other vertical visual elements to break the plane of the facade. Such vertical piers or any other vertical visual elements shall be between fifteen (15) feet and forty (40) feet apart along the facade. This provision shall not apply to the conversion of a residential building to a commercial use.

## 35-310.09 “O-1” and “O-2” Office Districts

### (a) Generally

#### (1) Purpose

*This district permits institutional, indoor retail, service and office uses requiring arterial or collector street access and business and commercial development along urban arterials. The purpose of the “O-1” and “O-2” districts are to accommodate well-designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure and provide for orderly transitions and buffers between uses.*

*The “O-1” and “O-2” Districts implement the following policies of the Master Plan:*

- *Promote San Antonio's health care industry as a regional and national leader through marketing of its excellent health care facilities and world class physicians (Economic Development, Policy 1c)*
- *Facilitate the development of export industries by encouraging the use of local and regional artistic, heritage and entertainment resources through international tours as a means to increase and diversify San Antonio export industries and economy (Economic Development, Policy 1c)*
- *Work towards establishing San Antonio as the dominant link between the United States and Mexico; and continue to support the expansion of free trade with other countries (Economic Development, Policy 1c)*
- *Facilitate the development and expansion of targeted industries including manufacturing and assembly; research; high technology; aviation and regional distribution (Economic Development, Policy 1d)*
- *Facilitate the development of business incubator facilities (Economic Development, Policy 3b)*
- *Facilitate economic development activities that will strengthen neighborhoods and communities; provide educational, training and employment opportunities; provide necessary support services; and promote and encourage economic participation for all San Antonio citizens (Economic Development, Policy 3e)*

**(b) "O-1" Office Districts****(1) Purpose**

The "O-1" district restricts uses primarily to offices and ancillary uses which do not have peak weeknight or weekend usage in order to provide a buffer between residential areas and more intensive uses. "O-1" districts provide for the establishment of low to mid rise office buildings. Uses within an "O-1" district are limited to uses incidental to the needs of the occupants of the building and are not designed to serve a regional market area.

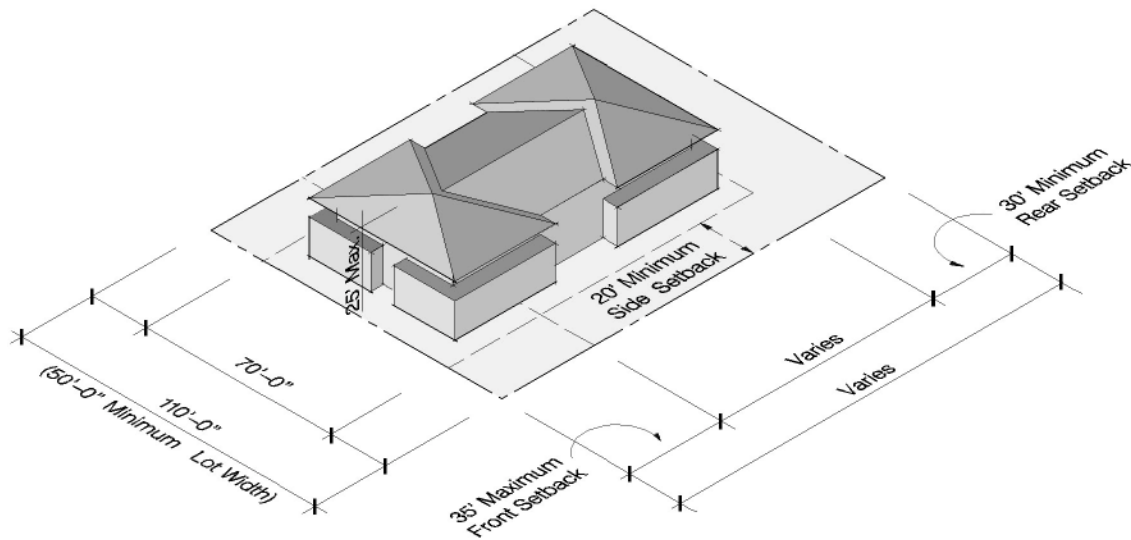


Figure 15 Summary of Lot and Building Standards, "NC" District

**(2) General Provisions**

- A. **Scale.** Buildings in an "O-1" district shall be restricted to 10,000 square feet for Individual Buildings.
- B. **Outdoor display/sales.** The outdoor display or sale of merchandise is prohibited in the "O-1" district.
- C. **Design.**
  1. Parking shall be located to the rear of the Principal Use or Principal Building, provided that up to two (2) rows of parking may be located to the front, or to the side abutting a residential use, of the Principal Use or Principal Building.
  2. Buildings shall contain ground level fenestration (transparent windows and openings at street level) consistent with the Commercial Urban Design Standards, § 35-203(o)(6) of this Code.

3. Buildings shall be articulated so that facades, which face public streets and exceed fifty (50) feet in horizontal length, shall include vertical piers or other vertical visual elements to break the plane of the facade. Such vertical piers or any other vertical visual elements shall be between fifteen (15) feet and forty (40) feet apart along the facade. This provision shall not apply to the conversion of a residential building to a commercial use.

## (c) "O-2" Office Districts

### (1) Purpose

The "O-2" district provides a wider variety of office and retail uses in order to promote mixed uses and the internal capture of vehicular trips, while facilitating economic development. "O-2" districts provide for the establishment of low to high rise office buildings. Uses within an "O-2" district may serve a regional market area.

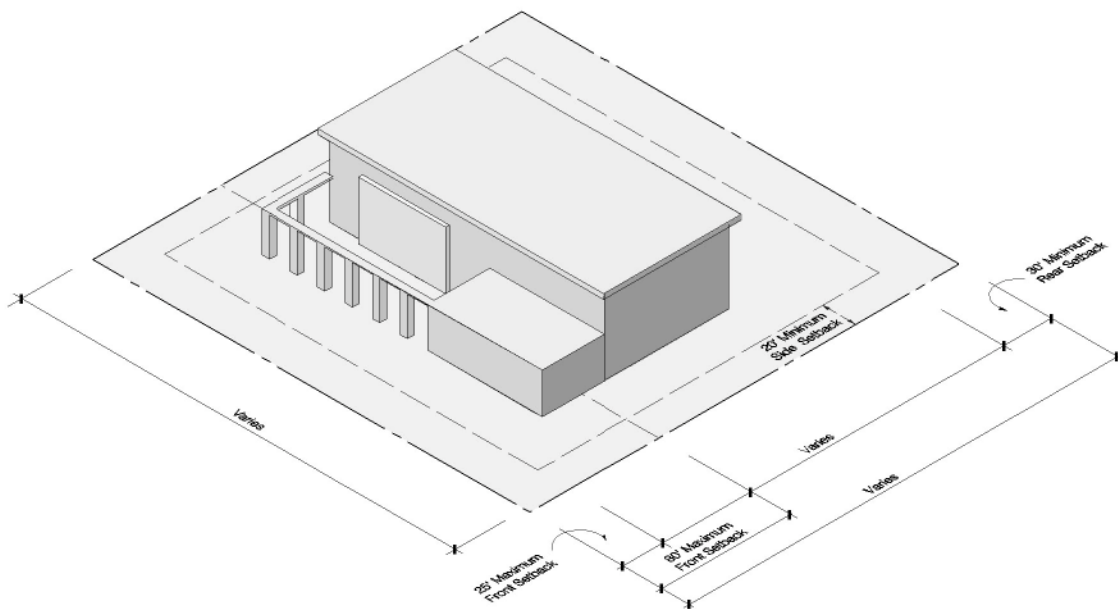


Figure 16 Summary of Lot and Building Standards, "O-2" District

### (2) General Provisions

- A. **Building Height.** Unlimited except as specified in Table 310-1.
- B. **Buffer.** Where a "O-2" district or use abuts an area either developed with residential uses or zoned as a Residential Zoning District, a minimum buffer of 65 feet zoned "NC", "C-1" or "O-1" shall be provided. Existing areas zoned "NC", "C-1" or "O-1" may be considered in computing the width of this buffer.

- C. **Outdoor display/sales.** The outdoor display or sale of merchandise is prohibited in the "O-2" district.

### **35-310.10 "C-1", "C-2", and "C-3" Commercial Districts**

#### **(a) Generally**

##### **(1) Purpose**

*These districts permit general commercial activities designed to serve the community such as repair shops, wholesale businesses, warehousing and limited retail sales with some outdoor display of goods. These districts promote a broad range of commercial operations and services necessary for large regions of the City, providing community balance.*

*The "C-1," "C-2," and "C-3 Districts implement the following policies of the Master Plan:*

- *Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas (Growth Management, Policy 1b).*
- *Support and encourage efforts to diversify the economic base of San Antonio (Economic Development, Policy 1e).*
- *Define, preserve and promote neighborhood centers which include schools, libraries, stores, transit centers and community service facilities in accessible, pedestrian friendly environments (Urban Design, Policy 1a).*

*Develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building (Urban Design, Policy 1e).*

##### **(2) Lot and Building Specifications**

See subsections (b)(2), (c)(2), (d)(2) and (e)(2), below. In addition to the provisions set forth below, the following restrictions shall apply to the scale of buildings in each commercial district. Individual buildings shall not exceed the maximum square footage established in Column (B) of Table 310.18-1. Buildings on lots adjoining on the same side of a block face shall not exceed the maximum square footage established in Column (C) of Table 310.10-1. Buildings shall conform to the design standards established in Column (D) of Table 310.10-1.



Table 310.10-1

(A) District	(B) Maximum Building Size (sf) (Individual)	(C) Maximum Building Size (sf) (Aggregate)	(E) Design Standards
C-1	5,000	15,000	RP, F
C-2	N/A	N/A	N
C-3	N/A	N/A	N

**Key:**

“Aggregate” refers to the total square footage located within a contiguous district.

“RP” means that parking shall be located in the rear of the Principal Use or Principal Building.

“F” means that buildings shall contain ground level fenestration (transparent windows and openings at street level) which conform to the Commercial Urban Design Standards, § 35-203(o)(6) of this Code.

“N” Specific standards are not required, but may be imposed as a condition of granting a Specific Use Permit consistent with the criteria established in § 35-423 of this Code.

**(b) "C-1" Commercial****(1) Purpose**

"C-1" districts accommodate neighborhood commercial uses which depend on a greater volume of vehicular traffic than an "NC" district. "C-1" uses are considered appropriate buffers between residential uses and "C-2" and "C-3" districts and uses.

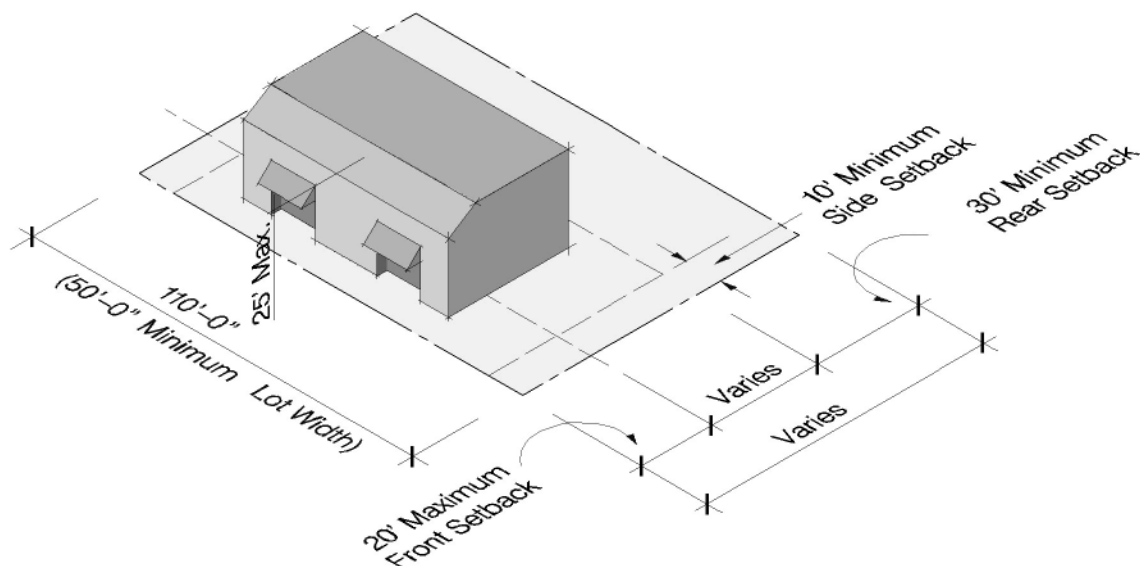


Figure 17 Summary of Lot and Building Standards, "C-1" District

**(2) General Provisions**

- A. **Scale.** See subsection [\(a\)\(2\)](#) of this Section.
- B. **Location of Uses.** Unless permitted as an Accessory Use, uses permitted within the Commercial districts shall occur within completely enclosed structures.
- C. **Noise.** No external sound systems or live music shall be allowed.
- D. **Outdoor storage or Display.** No outdoor storage or display of goods shall be permitted except for outdoor dining.

**(c) "C-2" Commercial****(1) Purpose**

"C-2" districts accommodate commercial and retail uses that are more intensive in character than "NC" and "C-1" uses, and which generate a greater volume of vehicular traffic and/or truck traffic.

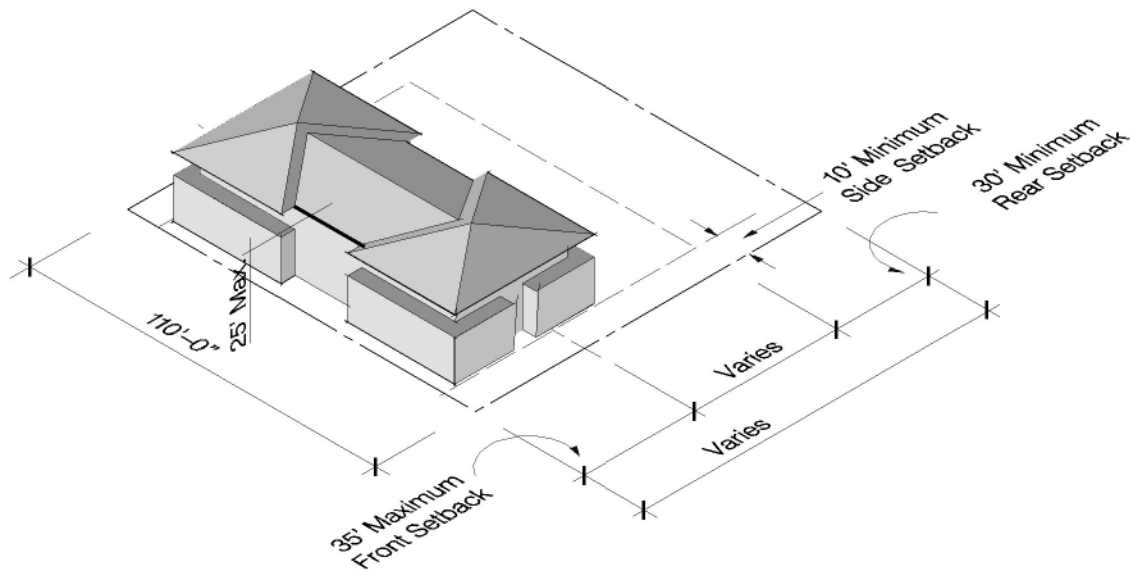


Figure 18 Summary of Lot and Building Standards, "C-2" District

**(2) General Provisions**

- A. **Scale.** See subsection [\(a\)\(2\)](#) of this Section.
- B. **Outdoor storage or Display.** No outdoor storage or display of goods shall be permitted except for outdoor dining.

**(d) "C-3" Commercial****(1) Purpose**

"C-3" districts are designed to provide for more intensive commercial uses than those located within the NC, C-1, C-2 or C-3 zoning districts. "C-3" uses are typically characterized as community and regional shopping centers, power centers and/or assembly of similar uses into a single complex under either single ownership or the structure of a property owners or condominium styled organization. "C-3" districts should incorporate shared internal circulation and limited curb cuts to arterial streets.

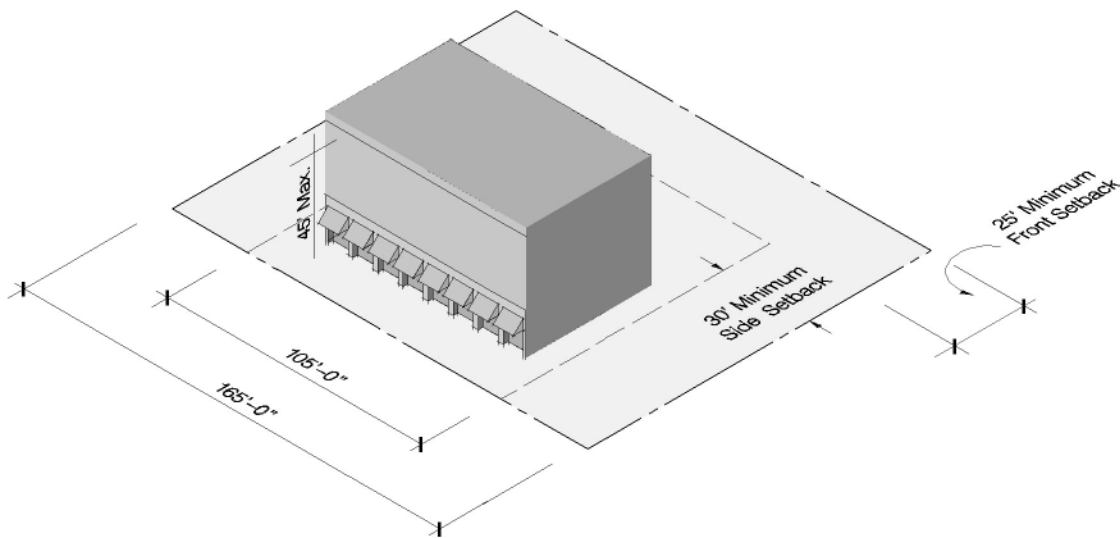


Figure 19 Summary of Lot and Building Standards, "C-3" District

**(2) General Provisions**

No outdoor storage is permitted. Outdoor operations and display shall be permitted in areas which are screened as provided in [§ 35-510\(q\)](#) of this Code.

**(e) Alcohol Restricted Districts**

- (1) The district regulations within the "C-2NA" district are the same as in the "C-2" districts, except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.
- (2) District regulations within the "C-3R" district are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises consumption shall be permitted.

- (3) District regulations within the "C-3NA" districts are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.

### **35-310.11 D (Downtown)**

*This district provides concentrated downtown retail, service, office and mixed uses in the existing central business districts. Major/regional shopping centers are permitted, but urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Large outdoor sales areas are not permitted. Pedestrian circulation is required as are common parking areas. The "D" district promotes the long-term vitality of the central business district.*

*The "D" District implements the following policies of the Master Plan:*

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create mixed use districts.*
- *Neighborhoods, Goal 5: Encourage development of the downtown area as a complete neighborhood to enhance its image to both visitors and residents.*
- *Neighborhoods, Policy 5a: Encourage new development in the downtown area to create a broad range of housing stock including single occupancy hotels, low, moderate, and upper income housing, and housing for elderly persons.*
- *Neighborhoods, Policy 5a: Give priority to existing buildings, particularly vacant upper floors in existing buildings for meeting housing needs.*
- *Neighborhoods, Policy 5a: Adapt zoning, construction and fire codes that facilitate housing in existing buildings without compromising the basic health and safety of building occupants.*
- *Neighborhoods, Policy 5a: Facilitate the development of new infill multifamily housing in single use or mixed-use developments on vacant tracts in the downtown.*
- *Neighborhoods, Policy 5g: Encourage development of vacant parcels and parcels with underutilized buildings [in downtown] as office space.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*

*The "D" Downtown district encompasses the City's Central Business District, which is the area originally settled and the locus of economic activity in the region. This shall include the area described as follows:*

*Start at the intersection of Salado and El Paso Streets; north on Salado to its intersection with Frio Street; thence northeast in a straight line to the intersection of IH-10 and Cadwalader; south on IH-10 to IH-35; northeast on IH-35 to a perpendicular point connecting with Cherry Street; south on Cherry Street to Durango Boulevard; west on Durango to the San Antonio River; south along the San Antonio River to Arsenal Street; west on Arsenal to El Paso Street; and then west on El Paso to Salado.*

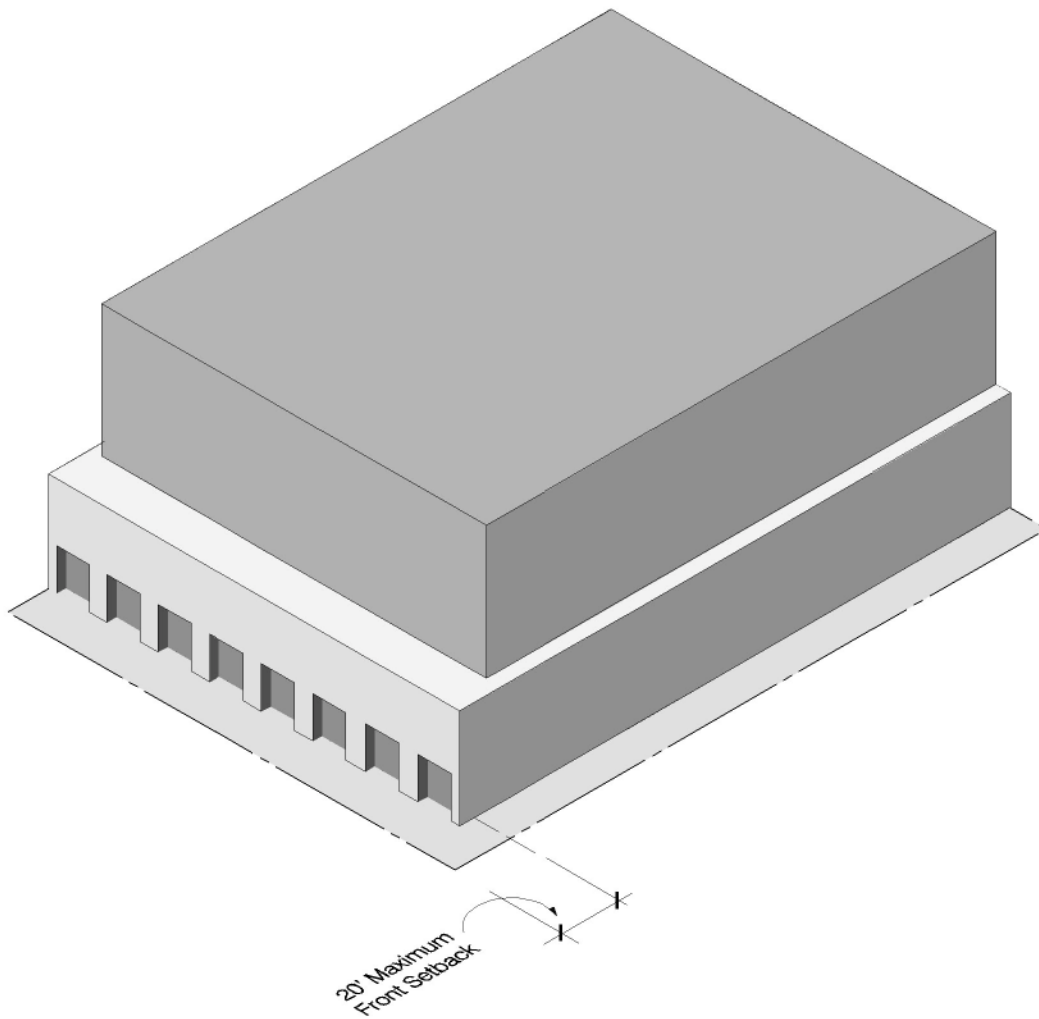


Figure 20 Summary of Lot and Building Standards, "D" District

### 35-310.12 “L” (Light Industrial)

#### (a) Purpose

*This district provides for a mix of light manufacturing uses, office park, flex-space, and limited retail and service uses that services the industrial uses with proper screening and buffering, all compatible with adjoining uses.*

*The “L” District implements the following policies of the Master Plan:*

- *Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas (Growth Management, Policy 1b).*
- *Support and encourage efforts to diversify the economic base of San Antonio (Economic Development, Policy 1e).*

*The zone and its uses shall should continue the orderly development and concentration of industrial and manufacturing uses. The land area should be sufficient to maintain compatibility with surrounding uses.*

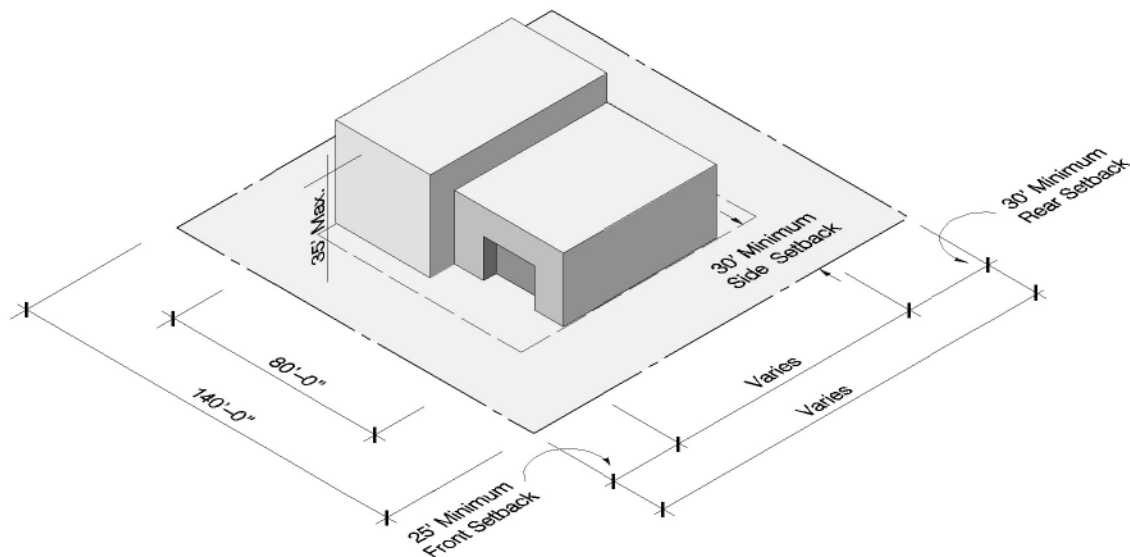


Figure 21 Summary of Lot and Building Standards, "L" District

#### (b) General Provisions

Uses in this district shall be in full conformance with the standards of the following and other applicable sections of this Chapter:

- (1) Principal vehicle access to and from the site shall be from a primary driveway.

- (2) All loading shall be from the rear or side of the building, but not facing an arterial street. These loading standards apply to new structures only, and existing buildings with loading docks facing the street may continue to be used, restored or enlarged without being subject to the side or rear loading requirement of this Section. Loading docks may be located in the rear yard, or a side yard facing a street that is internal to an "L", "I-1" or "I-2" zoning district.



### 35-310.13 "I-1" (General Industrial)

#### (a) Purpose

*This district accommodates areas of heavy and concentrated fabrication, manufacturing and industrial uses which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential or commercial development. I-1 must be located in areas where conflicts with other uses can be minimized to promote orderly transitions and buffers between uses. These districts are located for convenient access for existing and future arterial thoroughfares and railway lines these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The I-1 District implements the following policies of the Master Plan:*

- *Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas (Growth Management, Policy 1b).*
- *Support and encourage efforts to diversify the economic base of San Antonio (Economic Development, Policy 1e).*
- *Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.*
- *Natural Resources, Policy 1g: Identify and establish appropriate locations and standards for the storage of hazardous and toxic materials.*
- *Natural Resources, Policy 1g: Consider during the zoning process and when issuing building permits and certificates of occupancy, the proximity of residential neighborhoods to the storage of hazardous materials.*

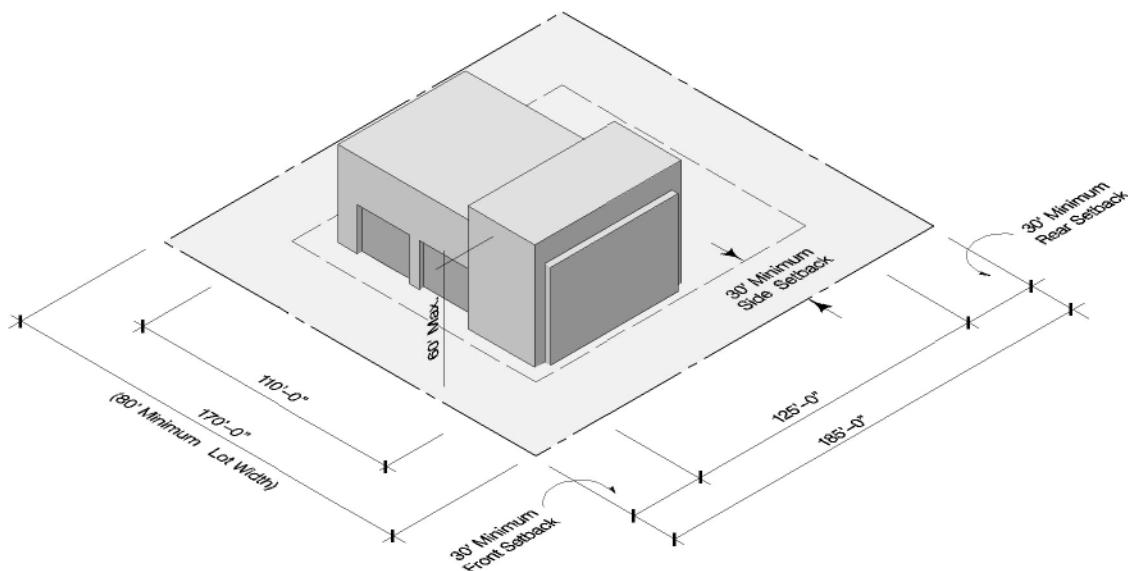


Figure 22 Summary of Lot and Building Standards, "I-1" District

**(b) General Provisions**

- A. All driveways, parking areas, and pedestrian ways shall be surfaced with an all weather surface. Curb and gutter shall be provided where required by the Street Design Standards.
- B. All delivery and freight handling areas shall be screened from the boundary of any property not zoned L, I-1 or I-2
- C. Sites shall not be accessed from residential streets.

## 35-310.14 "I-2" (Heavy Industrial)

### (a) Purpose

This district accommodates uses that are highly hazardous, environmentally severe in character and/or generate has very high volumes of truck traffic. The I-2 district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the L or I-1 district. These districts are located for convenient access for existing and future arterial thoroughfares and railway lines these districts are in many instances separated from residential areas by business or light industry areas or by natural barriers; where they are adjacent to residential areas some type of artificial separation may be required. The I-2 District implements the following policies of the Master Plan:

- Ensure that proposed land uses and development are compatible in their use, character and size to the site and the surrounding areas (Growth Management, Policy 1b).
- Support and encourage efforts to diversify the economic base of San Antonio (Economic Development, Policy 1e).
- Natural Resources, Policy 1g: Promote the safe storage of hazardous materials in locations that do not endanger neighborhoods.
- Natural Resources, Policy 1g: Identify and establish appropriate locations and standards for the storage of hazardous and toxic materials.
- Natural Resources, Policy 1g: Consider during the zoning process and when issuing building permits and certificates of occupancy, the proximity of residential neighborhoods to the storage of hazardous materials.

The zone and its uses should continue the orderly development and concentration of industrial and manufacturing uses. The land area should be sufficient to maintain compatibility with surrounding uses.

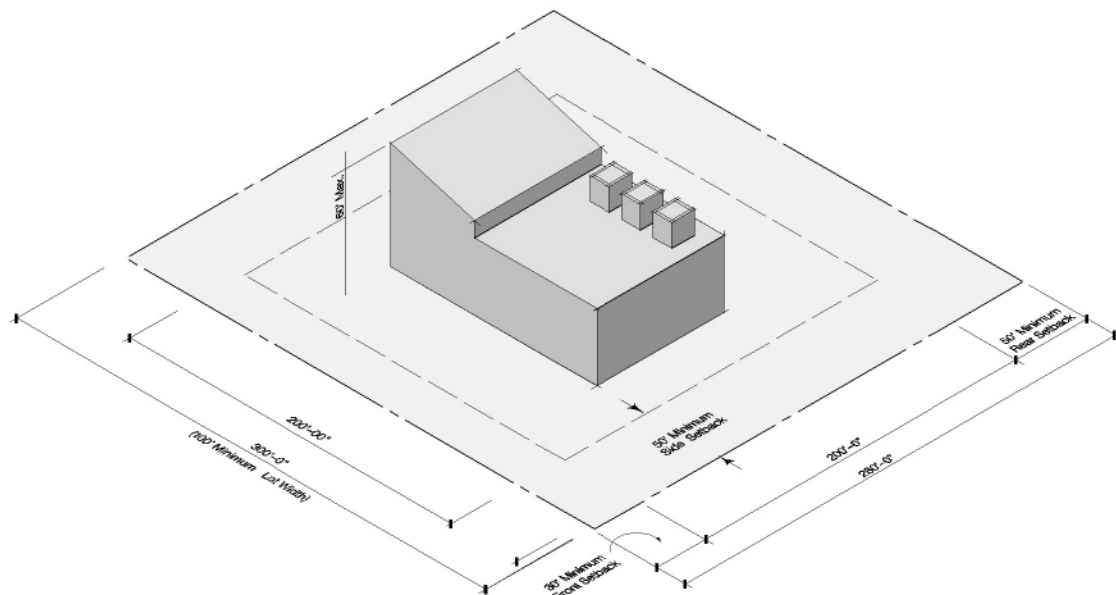


Figure 23 Summary of Lot and Building Standards, "I-2" District

**(b) General Provisions**

- (1) Storage yards shall be completely screened from the boundary of any property not zoned L, I-1 or I-2.
- (2) All driveways, parking areas, and pedestrian ways shall be surfaced with an all weather surface.
- (3) Sites shall not be accessed from residential streets.

## **35-311 Use Regulations**

### **(a) Generally**

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency, unless said use is listed as a permitted or Specific Use Permit in this Section and all applicable permits and approvals have been issued by the agency or official with final decision making authority. Those uses permitted as Primary Uses or Buildings within each zoning district shall be those uses listed in the Use Matrix ([Tables 311-1](#) and [311-2](#) herein). (Permitted Accessory Uses are set forth in the Accessory Use Regulations, [§ 35-360](#) of this Chapter.)

### **(b) Uses Not Mentioned.**

#### **(1) Uses not Permitted Unless Specifically Enumerated**

No building permit shall be issued for a use not specifically mentioned or described by category in the Use Matrix. Evaluation of these uses shall be as set forth in subsection (3), below.

#### **(2) Uses Preempted by State Statute**

Notwithstanding any provision of this Section to the contrary, uses which are required to be permitted in any zoning district by state statute may be permitted in accordance with state law whether or not the use is included in the Use Matrix.

#### **(3) Interpretation – Materially Similar Uses**

The Planning Director shall make a determination if a use not mentioned can reasonably be interpreted to fit into a use category where similar uses are described. Interpretations may be ratified by the City Council upon recommendation by the Zoning Commission at a regularly scheduled meeting. It is the intent of this Article to group similar or compatible land uses into specific zoning districts, either as permitted uses or as uses authorized by a Specific Use Permit. Uses not listed as a permitted or Specific Use Permit shall be presumed to be prohibited from the applicable zoning district. In the event that a particular use is not listed in the Use Matrix, and such use is not listed as a prohibited use and is not otherwise prohibited by law, the Planning Director shall determine whether a materially similar use exists in this Section. Should the Planning Director determine that a materially similar use does exist, the regulations governing that use shall apply to the particular use not listed and the Planning Director's decision shall be recorded in writing. Should

*Example: NAICS 5413 (Architectural Engineering, and Related Services) is coded under "Office, General." Assume that the Use Matrix sets out a classification for "Laboratories, Testing", which is NAICS 54138 (a subheading of 5413). The latter 5-digit number is more specific than the 4-digit code. Accordingly, Testing Laboratories are not included within the same classification as General Offices. However, if Testing Laboratories had not been separately listed, they would be permitted in all districts where General Offices are permitted.*

the Planning Director determine that a materially similar use does not exist, the matter may be referred to the Zoning Commission for consideration for amendment to this Ordinance to establish a specific listing for the use in question. Unless an appeal is timely filed pursuant to § 35-481 of this Code, a decision of the Planning Director pursuant to this Section is deemed to be valid. If, when seeking periodic ratification of interpretations, the Planning Director's interpretation is reversed, then decisions made in reliance on the Planning Director's interpretation shall be deemed to be non-conforming uses.

#### **(4) Rules of Construction**

The Director may determine that a use is materially similar if:

- A. The use is listed as within the same Structure or Function classification as the use specifically enumerated in the Use Matrix, as determined by the Land- Based Classification Standards ("LBCS") of the American Planning Association. The Director shall refer to the following documents in making this determination, which documents are hereby incorporated by this reference and which shall be maintained on file in the office of the Planning Department: American Planning Association, Land- Based Classification Standards, LBCS Structure Dimension with Detail Descriptions (September 13, 1999); American Planning Association, Land- Based Classification Standards, LBCS Function Dimension with Detail Descriptions (September 13, 1999); American Planning Association, Land- Based Classification Standards, LBCS Tables (September 13, 1999); and American Planning Association, Land- Based Classification Standards (April 18, 1999). The use shall be considered materially similar if it falls within the same LBCS classification (subject to subsection (5), below), and meets the requirements of subsection C, below.
- B. If the use cannot be located within one of the LBCS classifications pursuant to subsection A, above, the Director shall refer to the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 1997)("NAICS"). The use shall be considered materially similar if it falls within the same industry classification of the NAICS (subject to subsection (5), below), and meets the requirements of subsection C, below.
- C. The proposed use shall not generate trips exceeding other uses proposed in the zoning district by more than ten percent (10%), as determined by the Institute of Transportation Engineers, Trip Generation (5th ed., 1991)(the "ITE Manual"), which document is hereby incorporated by this reference. If the trip generation is not listed in the ITE Manual, the use shall be considered materially similar.

#### **(5) Construction of LBCS & NAICS**

In order to assist in interpretation of the Use Matrix, the LBCS and NAICS numbers precede each use in the Use Matrix. In interpreting the Use Matrix, the following rules of construction shall apply:

- A. If a use is listed for a specific classification, while a more general classification within the same industry classification is also listed for another use, the specific classification governs. The specific use is not permitted in all districts where the uses coded to the general classification are permitted simply because they share a similar NAICS code number. The numbers increase as the classifications get more specific.

- B. Some uses are listed separately, but fall within the same LBCS or NAICS classification. The uses within one such classification are not permitted in all of the zoning districts as the others simply because they fall within the same LBCS or NAICS classification.

**(c) Permitted Uses.**

**(1) Generally.**

No use shall be permitted pursuant to this Ordinance, and no Development Permit authorizing a use may be authorized, issued, or approved by any officer, official, or agency of the City unless said use is listed as a permitted or Specific Use Permit in the Use Matrix ([Tables 311-1](#) and [311-2](#)) and all applicable permits and approvals have been issued by the official or agency with final decision making authority.

**(2) Use Categories And Specific Uses.**

The use categories listed in the first column of Tables [311-1](#) and [311-2](#) are defined in this Ordinance, the LBCS, NAICS, or in other resources cross-referenced in this Ordinance.

**P**

**Permitted Uses.** A “P” indicates that the listed use is permitted by right within the zoning district. Permitted uses are subject to all other applicable standards of this Ordinance. Additional development standards may be applicable (see Supplemental Use Regulations, Division 7 of this Article).

**S**

**Specific Uses.** An “S” indicates that the listed use is permitted within the respective zoning district only after review and approval of a Specific Use Permit, in accordance with the review procedures of Section 35-423 of this Chapter. Specific Use Permits are subject to all other applicable standards of this Chapter and those requirements that may reasonably be imposed by the City consistent with the criteria set forth in § 35-423(e) of this Chapter and any Supplemental Use Regulations which apply to said use.

**Prohibited Uses.** A blank cell (“ ”) indicates that the listed use type is not allowed within the respective zoning district, unless it is otherwise expressly allowed by other regulations of this Chapter.

If a use is listed as prohibited in a Zoning District, but is permitted as an Accessory Use in the Accessory Use Regulations of this Chapter, the use is permitted only as an Accessory Use to a Principal Use or Principal Building on the same lot, tract or parcel. Such uses cannot be established unless and until there is a Principal Use or Principal Building on the same lot, tract or parcel to which that use is accessory.

The overlay zoning districts address special siting, use and compatibility issues which require use and development regulations in addition to those found in the underlying zoning districts. Accordingly, an overlay district may not permit all of the uses allowed in the base zoning district. If any regulation in an overlay zoning district requires lower densities, greater Setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies.

**(d) Alcoholic Beverage Consumption**

The provisions of this subsection (d) are designed to carry forward the restrictions established in Ordinances Nos. 65513, § 2(f), adopted August 13, 1987; Ordinance No. 67518, adopted July 21, 1988; Ordinance No. 73398, § 1 (Att. A), adopted March 28, 1991; Ordinance No. 74489, § 1 (Att. I); and Ordinance No. 76116, § 1 (Att. I, § 9(A)), adopted July 9, 1992; as said ordinances are designed to restrict the sale or consumption of alcohol within various zoning districts.

- (1) The uses permitted within the "C-2NA" district are the same as in the "C-2" districts, except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.
- (2) The uses permitted within the "C-3R" district are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises consumption shall be permitted.
- (3) The uses permitted within the "C-3NA" districts are the same as in "C-3" districts except that no sales of alcoholic beverages for on-premises or off-premises consumption shall be permitted.



TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RCD	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LBCS STRUCTURE
Accessory Uses (Supplemental To The Residential Use)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	9900	
Assisted Living Or Elderly Home								S		S		S	P	P	P	P	P	1230	
Athletic Fields (Non-Commercial & Supplemental To The Residential Use)	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	5370	
Automobile Noncommercial Parking (Board Of Adjustment)													P	P	P	P	P	2110	
Bed And Breakfast			S	S	S	S	S	S	S	S	S	S					P	1310	
Cemetery Or Mausoleum	S	S	S				S		S		S						S	6700	
Child - Care Institution (Basic)	S	S	S	S	S	S		S		S		S					P	6561	
Church, Temple, Mosque	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6600	
Daycare Center (Commercial Or Nonprofit)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	6562	
Dwelling - 1 Family (Attached Or Townhouse)								P		P		P	P	P	P	P	P	1000	1120
Dwelling - 1 Family (Detached)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	1000	1110
Dwelling - 2 Family								P		P	P	P	P	P	P	P	P	1000	1121
Dwelling - 3 Family								P			P	P	P	P	P	P	P	1000	1203
Dwelling - 4 Family								P			P	P	P	P	P	P	P	1000	1204
Dwelling - Accessory (Carriage Houses, Granny Flats, Echo Homes)	P	P	P	P	P	P		P		p		p						1000	1130
Dwelling - College Fraternity (Off Campus)													P	P	P	P	P	1000	1320
Dwelling - School Dormitories Or													P	P	P	P	P	1000	1320

TABLE 311-1 RESIDENTIAL USE MATRIX																			
PERMITTED USE	RCD	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
Housing (Off Campus)																			
Dwelling - Hud-Code Manufactured Homes (Residential)											P	P					P	1000	1150
Dwelling - Multifamily (25 Units Maximum)													P	P	P	P	P	1000	1220
Dwelling - Multifamily (33 Units Maximum)														P	P	P	P	1000	1230
Dwelling - Multifamily (40 Units Maximum)															P	P	P	1000	1240
Dwelling - Multifamily (50 Units Maximum)																P	P	1000	1250
Dwelling - Rowhouse, Zero Lot Line								P		P		P	P	P	P	P	P	1000	1122
Dwelling - Townhouse								P		P		P	P	P	P	P	P	1000	1140
Family Home			P	P	P	P	P	P	P	S	P	S					P	6560	
Farming And Truck Garden	P	P	P	P	P	P		P		P		P	P	P	P	P	P	9100	
Foster Family Home			P	P	P	P	P	P	P	S	P	S					P	6560	
Foster Group Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562	
Golf Course (Accessory To A Residential Subdivision)	P	P	P	P	P	P	S	P	S	P	S	P	P	P	P	P	S	5370	
Group Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S					P	6562	
Museum							S		S		S								
Nursery (1 Acre Minimum)	P	P	P	P	P		P		P		P						S	9140	
Radio / Television Station With Transmitter Tower	S	S	S	S	S												P	4231	
Recreation Facility (Public & Non-Commercial)	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	S	P	6340	
Registered Family Home (12 Children Maximum)		P	P	P	P	P	P	P		S		S					P	6562	
Rooming House										S							P	1320	

TABLE 311-1 RESIDENTIAL USE MATRIX

PERMITTED USE	RCD	RE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-25	MF-33	MF-40	MF-50	ERZD	LBCS FUNCTION	LCBS STRUCTURE
School - Private (Includes Church Schools, Private Schools K-12, Privately Owned College Or University, Trade Or Specialty School )	P	P	P	P	P	P		P		P		P	P	P	P	P	P	6100	
School - Public (Includes All Isd Schools K-12, Open Enrollment Charter Schools, Public College Or University	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	6100	
University Or College (Private)	S	S	S	S	S	S	S	S	S	S	S	S					P	6130	
Wireless Communication System	S	S	S	S	S	S	S	S	S	S	S	S					S	4233	

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Accessory	Accessory Uses - Secondary Or Incidental To Primary Use	P	P	P	P	P	P	P	P	P	P	P	9900
Alcohol	Alcohol - Bar And/Or Tavern			P	P	P	P	P	P			P	2540
Alcohol	Alcohol - Beverage Manufacture Or Brewery - Alcohol										P	NA	3110
Alcohol	Alcohol - Distillation, Storage									P	P	NA	3110
Alcohol	Alcohol - Microbrewery						P	P			P	S	
Alcohol	Alcohol - Beverage Retail Sales					P	P	P				P	2150
Alcohol	Alcohol - Winery With Bottling						P						
Amusement	Animal Racetrack And/Or Rodeo Arena								S	S		S	5130
Amusement	Carnival And/Or Circus								S	S	S	NA	5300
Amusement	Carnival And/Or Circus (Temporary For Not More Than 60 Days)							S	S	S	S	NA	5300
Amusement	Fairground And/Or Stadium							S	S	S		S	5300
Amusement	Miniature Golf					P	P	S				P	5340
Amusement	Amusement And/Or Theme Park - Outdoor Rides						P	S				P	5310
Amusement	Billiard Or Pool Hall - No Alcohol In "C-2"					P	P	P				P	5380
Amusement	Bingo Parlor					S	P					P	5300
Amusement	Carnival And/Or Circus - Temporary Use (Time Set By City Council On Individual Case Consideration)						S	S	S			S	5300
Amusement	Dance Hall						P	P				P	5110
Amusement	Go-Cart Track						S		P			S	5300
Amusement	Laser Hide & Seek Games - Indoors					P	P	P				P	5300
Amusement	Laser Hide & Seek Games - Outdoors Permitted						S		P			P	5300
Amusement	Racing - Auto Or Truck Track									S		S	
Amusement	Theater - Indoor Permitting Over 2 Screens And/Or Stages						P	P				P	5110
Amusement	Theater - Indoor With 2 Or Less Screens And/Or Stages				S	P	P	P				P	
Amusement	Theater - Outdoor Including Drive-In & Amphitheaters								P			P	5110
Amusement	Video Games - Coin Or Token Operated			S	P	P	P	P				P	5320
Animal	Animal - Equestrian Center And Riding Trails				S							S	
Animal	Animal - Pound Or Shelter								P	P		S	2418
Animal	Breeder - Small Animal Only								S	P		NA	2140
Animal	Cemetery - Pets (Limited To Small Animals)					P	P		P			S	6730
Animal	Dog Training - Indoor						P		P	P		P	2100
Animal	Dog Training - Outdoor Permitted						S		P	P		S	
Animal	Kennel - Boarding & Breeding (See Health & Environmental)								S	P		S	2418
Animal	Pet Grooming - Small Animals Only			P	P	P	P	P	P			P	2136
Animal	Small Animal Clinic - No Outside Runs			P	P	P	P	P	P			S	2418
Animal	Small Animal Hospital - Outside Runs Are Permitted					S	P		P	P		S	2418
Animal	Stockyard										S	NA	9200
Animal	Veterinary Hospital - Large & Small Animal (Outside Runs, Pens & Paddocks Permitted)									P		S	2418
Animal	Veterinary Hospital - Large & Small Animal (No Outside Runs, Pens & Paddocks Permitted)						S		P	P		S	
Animal	Veterinary Hospital - Small Animal (Outside Runs, Pens & Paddocks Permitted)								P	P		S	

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Animal	Veterinary Hospital - Small Animals (No Outside Runs, Pens & Paddocks Permitted)						S	S	P	P		S	
Auto	Truck & Heavy Equipment - Auction									P		S	
Auto	Ambulance Service						S	P	P			P	4150
Auto	Auto - Glass Tinting					P	P		P			P	2115
Auto	Auto - Manufacture										P	NA	3770
Auto	Auto & Light Truck - Oil, Lube & Tune Up					P	P		P			NA	2110
Auto	Auto & Light Truck Auction								S	P		P	2110
Auto	Auto & Light Truck Repair						P		P			NA	
Auto	Auto & Vehicle Sales - New And Used-Small Scale (No More Than 15 Vehicles Currently Licensed And In Running Condition On Site At Any Given Time For Storage And/Or Sale						P		P			S	2110
Auto	Auto & Vehicle Sales - New And Used-Large Scale						P		P			S	2110
Auto	Auto - Rental (Pickup & Drop Off Only In "C-2")					P	P	P	P	P		P	
Auto	Auto Alarm & Radio - Retail (Install. Incidental To Sales In "C-2")					P	P					P	2115
Auto	Auto Glass Sales - Installation Permitted						P		P	P		P	2110
Auto	Auto Muffler - Installation And Sales Only						P		P	P		S	2115
Auto	Auto Paint & Body - Repair With Outside Storage Limited To 3 Vehicles (All Outside Storage Of Parts To Be Totally Screened)						S		P	P		NA	2100
Auto	Auto Paint & Body - Repair With Outside Storage Of Vehicles And Parts Permitted But Totally Screened From View Of Adjacent Property Owners And Public Roadways						S		P	P		NA	
Auto	Auto Parts Retail - No Outside Storage In "C-2"					P	P		P			P	2115
Auto	Auto Parts Retail - W/Installation & No Outside Storage					S	P		P			S	
Auto	Auto State Vehicle Inspection Station					P	P	P	P	P	P	P	2100
Auto	Auto Upholstery - Sales And Installation Completely Enclosed						P		P			P	2100
Auto	Carwash - Automatic And Attendant Operated					S	P		P			S	2110
Auto	Carwash - Automatic Self Service Drive-Thru					S	P		P			S	2110
Auto	Carwash - Self Service					S	P		P			S	2110
Auto	Limousine Service -Dispatch & Office Use Only No Servicing Of Vehicles Onsite					P	P	P	P	P		S	4155
Auto	Parking & Transient Vehicle Storage - Related To A Delivery ( Auto, Truck, Trailer & Marine)(Each Vehicle Limited To 24 Hours Maximum Parking Time Within Any 48 Hour Period In "C3", "D" & "L")						S	S	P	P	P	S	9900
Auto	Parking And/Or Storage - Long Term								P	P	P	S	
Auto	Parking Lot - Noncommercial	P	P		S	P	P	P	P	P	P	S	2100
Auto	Parking Lot Or Garage - Commercial	S	P			P	P	P	P	P	P	P	2110
Auto	Taxi Service - Parking & Dispatch (No Washing Or Mechanical Service Permitted)						P	P	P	P		S	4155
Auto	Taxi Service - Parking & Dispatch (Washing Or Mechanical Service Permitted)								P	P		S	
Auto	Tire Repair - Auto & Small Truck (Sale And Installation Only, No Mechanical Service Permitted)					P	P	S	P			S	2100
Auto	Truck Repair & Maintenance						S		S		P	NA	2000
Auto	Truck Stop Or Laundry - Full Mechanical Service & Repair Permitted									P	P	NA	

TABLE 311-2 NON-RESIDENTIAL USE MATRIX												
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD (LBCS Function)
Auto	Truck Stop Or Laundry - Tire Repair Permitted							S	P	P	S	2000
Auto	Vehicle Storage - See "Auto Parking And/Or Storage Long Term"	-	-	-	-	-	-	-	-	-	-	2110
Auto	Wrecker Service							P	P		NA	2100
Beverage	Beverage Manufacture - Non-Alcohol								P		S	
Church	Church	P	P	P	P	P	P	P			P	6600
Dry Goods - Wholesale	Dry Goods - Wholesale							S	P	P	P	3510
Dwelling	Apartment Or Extended Stay Housing - See (Housing - Apartment Or Extended Stay Hotel)	-	-	-	-	-	-	-	-	-	-	
Dwelling	Dwelling - Attached Apartments With Maximum Density Of 6 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor Use To 1 Square foot Of Nonresidential Floor Use)				P	P	P	P			P	
Dwelling	Dwelling - Attached Apartments With Maximum Density Of 10 Dwellings Per Gross Acre (Allowed Ratio Of 1 Square foot Of Residential Floor Use To 1 Square foot Of Nonresidential Floor Use)					P	P	P			P	
Dwelling	Dwelling - Attachments Apartments With Maximum Density Of 20 Dwellings Per Gross Acre (Allowed Ratio Of 2 Square foot Of Residential Floor Use To 1 Square foot Of Nonresidential Floor Use)						P	P			P	
Dwelling	Dwelling - Attached Apartments With Maximum Density Of 50 Dwellings Per Gross Acre (Allowed Ratio Of 4 Square foot Of Residential Floor Use To 1 Square foot Of Nonresidential Floor Use)							P			P	
Dwelling	Dwelling Other - See (Housing)											
Dwelling	Group Day Care - See (Housing - Group Day Care Limited To 12 Individuals)											
Dwelling	Hotel - See (Housing - Hotel)											
Dwelling	Motel - See (Housing - Motel)											
Fabric	Electronic Component - Fabrication									P	P	3360
Government	Armory							S	S	S	S	6300
Government	Correction Institution						S	S	S	S	P	6222
Housing	Housing - Boarding House				P	P	P	P			P	
Housing	Housing - Multifamily Dwellings, Extended Stay Hotel Or Timeshares					S	P	P			P	
Housing	Housing - Group Day Care Limited To 12 Individuals	P	P	P	P	P	P	P	P		P	6562
Housing	Housing - Hotel					S	P	P	P		P	
Housing	Housing - Motel					S	P	P	S		P	
Industrial	Batching Plant									P	P	S
Industrial	Batching Plant - Temporary In "C-3" And "L" ( 6 Months Maximum)						S	S	S	P	P	3330
Industrial	Bookbinder						P		S	P	P	2135
Industrial	Cabinet Or Carpenter Shop						S		P	P	S	3210
Industrial	Can Recycle Collection Station - No Shredding						S		P	P	P	3600
Industrial	Coffee Roasting									P	P	3110
Industrial	Contractor Facility						S		S	P	S	7100
Industrial	Creamery									S	P	3110
Industrial	Dry Cleaning - Plant						P			P	NA	2600
Industrial	Laundry - Plant						P			P	S	2600

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Industrial	Lumber Yard And Building Materials						S		P	P	P	S	2126
Industrial	Machine Shop						S		P	P	P	S	7200
Industrial	Pecan Shelling								S	P	P	P	3110
Industrial	Rug Cleaning								P	P	P	S	2120
Industrial	Welding Shop - Limited To Three Employees & Screening Of Outside Storage In "C-3"						S		S	P	P	P	2100
Manufacturing	Abrasive - Manufacturing									P	P	NA	2610
Manufacturing	Acetylene Gas - Manufacturing & Storage										P	S	2613
Manufacturing	Air Products - Manufacturing									S	P	S	3400
Manufacturing	Artificial Limb Assembly					P	P	S	P	P	P	P	3400
Manufacturing	Asbestos Products - Manufacturing										P	NA	3330
Manufacturing	Asphalt Products - Manufacturing										P	NA	3330
Manufacturing	Bag Cleaning									P	P	S	2100
Manufacturing	Battery - Manufacturing										P	NA	3360
Manufacturing	Beverage - Manufacturing Or Processing									S	P	S	3110
Manufacturing	Biomedical Products - Manufacturing										S	NA	3000
Manufacturing	Boat & Marine - Manufacturing										P	S	2600
Manufacturing	Boiler And Tank Works										P	S	3350
Manufacturing	Broom, Brush - Manufacturing								P	P		S	3400
Manufacturing	Building Specialties - Wholesale Outside Storage Permitted								S	P		S	3510
Manufacturing	Bulk Plant Or Terminal										S	NA	3110
Manufacturing	Can Manufacture										P	NA	
Manufacturing	Candle - Manufacturing									S	P	S	3400
Manufacturing	Candy - Manufacturing								S	P		S	3110
Manufacturing	Canvas Products - Manufacturing								S	P	P	S	3400
Manufacturing	Chemical - Manufacturing Or Processing									S	S	NA	3320
Manufacturing	Chemical/Drug - Wholesale & Storage								P	P		NA	3600
Manufacturing	Clothing Manufacture - Chemical Process										P	NA	3130
Manufacturing	Clothing Manufacture - Non-Chemical Process								P	P	P	S	3130
Manufacturing	Concrete Products - Manufacturing									S	P	S	3330
Manufacturing	Cotton Compress, Ginning And Bailing										P	NA	9510
Manufacturing	Drug - Manufacturing									P	P	S	3000
Manufacturing	Electronic Component - Manufacturing									S	P	NA	3360
Manufacturing	Electroplating										P	S	3400
Manufacturing	Felt Products - Manufacturing										P	S	3400
Manufacturing	Glass Manufacture										P	S	3330
Manufacturing	Grain - Drying										P	S	3600
Manufacturing	Grain - Milling										P	S	3100
Manufacturing	Hatchery										P	S	9240
Manufacturing	Hazardous Materials Hauling Or Storage										S	NA	4000
Manufacturing	Hosiery - Manufacturing									P	P	S	3320
Manufacturing	Ice Cream - Manufacturing								P	P	P	P	3110
Manufacturing	Ice Plant - Manufacturing & Processing									P	P	P	3100
Manufacturing	Insulation Products - Manufacturing & Processing										P	NA	3330
Manufacturing	Junkyard Or Salvage Yard										S	NA	2120

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Manufacturing	Petro Chemicals Bulk Storage										P	NA	3600
Manufacturing	Mattress - Manufacturing & Rebuilding								P	P	P	S	3340
Manufacturing	Metal Forging Or Rolling Mill										S	NA	3340
Manufacturing	Metal Products - Fabrication									S	P	S	2140
Manufacturing	Millinery - Manufacturing								P	P		P	3400
Manufacturing	Millwork & Wood Products - Manufacturing									S	P	S	3210
Manufacturing	Moving And Transfer Company - With Trucks Attached To Trailers For A Total Exceeding 24 Feet In Length								P	P	P	S	4141
Manufacturing	Novelty And Souvenir - Manufacture								S	P	P	S	3400
Manufacturing	Nuclear Or Radioactive Instrumentation - Manufacturing									S	S	NA	3360
Manufacturing	Office Equipment, Furniture - Manufacture								P	P	P	S	2120
Manufacturing	Oil Well Supplies And Machinery - Manufacturing.										P	NA	3350
Manufacturing	Packing And Gasket - Manufacturing										P	NA	3000
Manufacturing	Packing Plant - No Rendering										P	NA	9200
Manufacturing	Paints, Etc. - Manufacturing & Processing										P	NA	3320
Manufacturing	Paper Products - Manufacturing										P	NA	3200
Manufacturing	Petroleum - Manufacturing Or Processing										S	NA	3310
Manufacturing	Pipe Storage									P	P	P	7000
Manufacturing	Planing Mill										S	S	2120
Manufacturing	Plastic / Vinyl - Manufacturing Or Processing									S	P	NA	3220
Manufacturing	Playground Equipment - Manufacturing								P	P	P	S	3400
Manufacturing	Poultry Processing - Caged Hen Operation										P	NA	9240
Manufacturing	Poultry Processing & Live Poultry Storage - Completely Enclosed										P	NA	9240
Manufacturing	Processing - Other Than Food									S	P	S	3000
Manufacturing	Refrigeration Equipment - Manufacturing									S	P	NA	3360
Manufacturing	Rendering Plant										S	NA	9200
Manufacturing	Sand Or Gravel - Storage & Sales									P	P	P	8000
Manufacturing	Shoe - Manufacturing								S	P	P	S	3140
Manufacturing	Shoe - Wholesale (Manufacturing Permitted)								S	P		S	
Manufacturing	Shoe Polish - Manufacturing										P	NA	3320
Manufacturing	Sign Manufacture								S	P	P	S	3440
Manufacturing	Stone Curing, Monument - Manufacturing									P	P	P	3330
Manufacturing	Storage - Outside (Open With No Screening Required)								S	S	P	S	
Manufacturing	Storage - Outside (Screening From Public Rows And Adjacent Property Required)						S		S	P	P	S	
Manufacturing	Textile - Manufacturing										P	S	3130
Manufacturing	Tile - Manufacturing										P	NA	3330
Manufacturing	Tile , Roofing & Waterproofing Products - Manufacturing										P	NA	3330
Manufacturing	Tobacco - Processing										P	S	3120
Manufacturing	Tool - Manufacturing									S	P	S	3400
Manufacturing	Toy - Manufacturing									P	P	S	3420
Manufacturing	Trailer - Manufacturing									P	P	S	3400
Manufacturing	Venetian Blind - Cleaning & Fabrication								S	P	P	S	2100
Manufacturing	Vulcanizing, Recapping									S	P	NA	3320
Manufacturing	Water Distillation									S	P	S	3110
Manufacturing	Well Drilling Contractor									S	P	S	7230



TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Manufacturing	Wire Products - Manufacturing									P	P	S	3400
Manufacturing	Wood Processing By Creosoting Or Other Preserving Treatment										P	NA	3210
Manufacturing	Wool Pulling And Scouring										P	NA	3000
Medical	Medical - Surgical Supplies Wholesale						P	S	P	P		P	3510
Office	Aerial Survey - Administrative Offices No On-Site Flight Services	P	P		P	P	P	P	P			P	2400
Office	Office – no restrictions on square footage unless otherwise prescribed in zoning district regulations, §§ 35-310.01 to 35-310.14, above	P	P		P	P	P	P	P	P		P	2400
Office	Office - Less Than 3,000 square feet and less than 35 feet in height	P	P	P	P	P	P	P	P	P		P	
Plants	Florist – Wholesale						P	P	P	P		P	3520
Plants	Landscaping Materials - Sales & Storage								P	P		S	2123
Plants	Nursery - Plant Wholesale Onsite Growing Permitted						P		P			S	9140
Print	Printer - Large Scale Other Than Quick Print						S		P	P		S	2400
Processing	Cosmetics - Manufacturing Or Processing									P		S	2600
Processing	Food & Food Products - Processing								S	P	P	S	3110
Processing	Punch Concentrate - Processing & Mixing								S	P	P	P	3110
Processing	Punch Concentrate Products - Mixing Only					S	P		P	P	P	P	3110
Recreation	Archery Range - Outdoor								S	P		P	5300
Recreation	Archery Range - Indoor					P	P	P	P			P	5300
Recreation	Athletic Fields - Noncommercial	S	S	S	P	P	P	S	P			P	5370
Recreation	Athletic Fields - Commercial	S	S			S	P	S	P				
Recreation	Bowling Alley						P	P	P			P	5380
Recreation	Golf Course - Private (See Residential Use Table)					S	S					S	
Recreation	Golf Course - Publicly Owned	S	S	S	S	S	S	S	S			S	
Recreation	Golf Driving Range					S	P		P	S		S	5370
Recreation	Recreational Facility - Private Community Wide					P	P	P				P	
Recreation	Recreational Facility - Private Neighborhood			P	P	P	P					P	
Recreation	Recreational Facility - Public Community Wide					P	P	P				P	6340
Recreation	Recreational Facility - Public Neighborhood			P	P	P	P					P	6340
Recreation	Rifle & Pistol Range - Indoor						S	S		S	P	S	5300
Recreation	Rifle & Pistol Range - Outdoor Permitted										S	S	5300
Recreation	Skateboard Track						S	S	P			P	5390
Recreation	Skating Rink - Ice Or Roller Skating						P	P	P			P	5390
Recreation	Stable & Equestrian Center								P			S	5300
Recreation	Tennis, Racquetball Or Handball - Noncommercial (Outside Courts Permitted)		P		S	S	P	P	P			P	
Recreation	Tennis, Racquetball Or Handball - Commercial (Outside Courts Not Permitted)		P			S	P	P	P			P	
Recreation	Tennis, Racquetball Or Handball - Commercial (Outside Courts Permitted)		P		P	S	P	P	P			P	5370
Recreation	Tennis, Racquetball Or Handball -Noncommercial (Outside Courts Not Permitted)		P			S	P	P	P			P	
Recreation	Recreational Vehicle Park						S		P			P	
Retail	Air Conditioners - Retail (Incidental To Other Onsite Retail Items In "D")						P	P	P			P	2120
Retail	Antique Store - Retail			P	P	P	P	P	P			P	2145

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Retail	Apothecary - See (Drugstore - Apothecary)												
Retail	Apparel & Accessory Store - Retail			P	P	P	P	P				P	2133
Retail	Appliance - Retail (Incidental To Other Onsite Retail Items In "D")					P	P	P				P	2125
Retail	Art Gallery		P	P	P	P	P	P				P	2142
Retail	Bakery - Retail			P	P	P	P	P				P	2151
Retail	Bookstore		P	P	P	P	P	P				P	2135
Retail	Business Machines - Retail		P		S	P	P	P				P	2130
Retail	Camera, Photographic Equipment & Supplies - Retail			P	P	P	P	P				P	2132
Retail	Candy, Nut And Confectionery - Retail			P	P	P	P	P				P	2153
Retail	Catering Shop			P	P	P	P	P	P			P	2560
Retail	Convenience Ice House - Retail Convenience Store			P	P	P	P	P	P			P	2152
Retail	Convenience Store - W/ Gas Sales					P	P	S	P			NA	
Retail	Dairy Products - Retail			P	P	P	P	P				P	2150
Retail	Drugstore - Apothecary		P	P	P	P	P	P				P	2161
Retail	Dry Goods - Retail			P	P	P	P	P				P	2130
Retail	Farm Supplies						S		P	P		P	2140
Retail	Feed, Seed, Fertilizer Sales - No Outside Storage In "C-3"						P		P	P		P	2140
Retail	Fish Market - Retail			P	P	P	P	P				P	2153
Retail	Flea Market - Indoor						P		P			P	2100
Retail	Flea Market - Outdoor								S	P		P	2100
Retail	Floor Covering - Retail (Incidental To Other Onsite Retail Items In "D")					P	P	P	P			P	2120
Retail	Florist - Retail		S	P	P	P	P	P	P			P	2141
Retail	Food Locker Plant - Retail								S	P		S	2120
Retail	Food Store - Limited In "C-1" To Maximum 3000 Square foot Total Floor Area			P	P	P	P	P				P	2151
Retail	Fruit And Produce - Retail			P	P	P	P	P				P	2154
Retail	Furniture Sales - Retail			S	P	P	P	P				P	2121
Retail	Gift Shop - Retail		S	P	P	P	P	P				P	2140
Retail	Glass - Retail					P	P	P	P			P	2120
Retail	Grocery Store - Retail (Limited To Maximum 3000 Square foot Total In "C-1")			P	P	P	P	P				P	2151
Retail	Hardware Sales - Retail (Limited To Maximum 3000 Square foot Total In "C-1")			P	P	P	P	P				P	2122
Retail	Head Shop						S					P	2000
Retail	Hobby Store - Retail (Limited To Maximum 3000 Square foot Total In "C-1")			P	P	P	P	P				P	2140
Retail	Home Improvement Center						P	S	P			P	
Retail	Jewelry Store - Retail		S	P	P	P	P	P				P	2140
Retail	Leather Goods Or Luggage Store - Retail			P	P	P	P	P				P	2130
Retail	Medical - Surgical Supplies Retail					P	P	P	P			P	2130
Retail	Milliner - Custom			P	P	P	P	P	P	P		P	3400
Retail	Music Store			P	P	P	P	P				P	2135
Retail	Newsstand		P	P	P	P	P	P				P	2140
Retail	Nursery - Retail (Growing Plants On Site Permitted)					P	P		P			S	
Retail	Nursery - Retail (No Growing Plants On Site Permitted)				P	P	P	P				S	2100

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Retail	Office Equipment And Supply - Retail		S		P	P	P	P	P			P	2120
Retail	Paint And Wallpaper Store - Retail & Wholesale					P	P	P	P	S		P	2120
Retail	Pet Shop - Retail			P	P	P	P	P	P			P	2136
Retail	Plumbing Fixtures - Retail (Incidental To Other Onsite Retail Items In "D")					P	P	P	P			P	2120
Retail	Rug Or Carpet - Retail				P	P	P	P	P			P	2120
Retail	Secondhand Merchandise - Retail No Outside Storage Or Display Of Inventory Permitted)					P	P	P	P			P	2145
Retail	Shoe - Retail			P	P	P	P	P				P	2140
Retail	Silk Screening - Retail					P	P	P				P	2140
Retail	Sporting Goods - Retail			P	P	P	P	P				P	2134
Retail	Stamps And Coin Sales - Retail			P	P	P	P	P				P	2140
Retail	Stationary Products - Retail	S	P	P	P	P	P	P				P	2140
Retail	Tamale - Preparation Retail (Less Than 2,000 Square foot In "C-1" & "C-2")			S	S	P	P	P	P			P	2153
Retail	Thrift Store - Retail See (Secondhand Merchandise)												2145
Retail	Tobacco Store - Retail		P	P	P	P	P	P				P	2143
Retail	Toy Store - Retail			P	P	P	P	P				P	2130
Retail	Trophy Sales, Engraving & Assembly			P	P	P	P	P	P			P	2140
Retail	Variety Store - Retail					P	P	P				P	2145
Sales	Boat - Sales & Service						P		P			S	
Sales	Machinery, Tools & Construction Equipment Sales & Service						S		P	P	P	S	2120
Sales	Farm Equipment Sales, Service Or Storage								P	P	P	S	2120
Sales	Oil Well Supplies And Machinery Sales - Used										P	NA	2120
Sales	Portable Building Sales					S	S		P	P	P	P	2120
School	School - Private University Or College		S			S	P	P	P			P	6130
School	School - Public University Or College	P	P	P	P	P	P	P	P			P	6130
School	School - Montessori				S	P	P	P				P	6100
School	School - Nursery (Public & Private)		P	P	P	P	P	P				P	6110
School	School - Private Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
School	School - Public Pre-Kindergarten Through 12th Grade	P	P	P	P	P	P	P				P	9900
Service	Air Conditioning / Refrigeration - Service & Repair						S		P	P		P	2120
Service	Altering/Repairing Of Apparel			P	P	P	P	P				P	2600
Service	Ammunition - Manufacturing, Loading & Storage										S	S	2100
Service	Appliance - Repair Major					P	P		P			P	
Service	Appliance - Repair Small			P	P	P	P					P	2125
Service	Auditorium		P			P	P	P				P	5110
Service	Bank, Savings And Loan	P	P	S	S	P	P	P				P	2210
Service	Barber Or Beauty Shop		P	P	P	P	P	P				P	2600
Service	Bicycle - Repair			P	P	P	P	P				P	2113
Service	Boat & Marine - Storage (Outside Permitted)						S		P			S	
Service	Body Piercing						P					P	2600
Service	Cemetery Or Mausoleum				S	S	S	S				NA	6700
Service	Copy Or Blueprinting - Example "Quick Print"		P		S	P	P	P				P	2414
Service	Copy Service - Blueprinting And Photocopying	P	P	P	P	P	P	P	P	P		S	2414
Service	Cosmetics - Permanent			P	P	P	P	P				P	2600

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Service	Day-Care Center - Child And/Or Adult Care		S	P	P	P	P	P	S			P	6562
Service	Delicatessen		P	P	P	P	P	P				P	2520
Service	Dry Cleaning - Limited To Five Employees					P	P	P	P	P		S	2600
Service	Dry Cleaning - Pickup Station Only		P	P	P	P	P	P	P			P	2600
Service	Electric Repair - Heavy Equipment								P	P		P	7330
Service	Electric Repair - Light Equipment						S		P	P		P	7330
Service	Electronic Equipment - Repair			P	P	P	P	P	P			S	2125
Service	Elevator Maintenance - Service							P	P	P		S	2450
Service	Employment Agency	P	P		S	P	P	P				P	2423
Service	Exterminators								S	P		S	2451
Service	Food - Restaurant Or Cafeteria		P	P	P	P	P	P	P	P		P	2150
Service	Funeral Home Or Undertaking Parlor						P	P	P			S	6710
Service	Furniture Repair / Upholstering			P	P	P	P	P	P			S	2121
Service	Gasoline Filling Station - W/O Repair Service (Car Wash Allowed)					S	P	S	P	P		NA	2116
Service	Gasoline Filling Station - With Repair Service And/Or Car Wash					S	P	S	P	P		NA	2116
Service	Gunsmith					P	P	P	P			S	2134
Service	Gymnasium - Commercial					S	P	P	P			P	5370
Service	Janitorial / Cleaning Service					P	P	P	P	P		S	2452
Service	Laboratory - Research						P	P	P	P		S	2416
Service	Laboratory - Testing	P	P				P	P	P	P		S	2416
Service	Laundry And Dry Cleaning - Self Service			P	P	P	P	P				S	2600
Service	Laundry- Limited To Max Of Five Employees					P	P	P	P	P		S	2600
Service	Laundry Or Dry Cleaning - Pickup Station Only		P	P	P	P	P	P	P			P	2600
Service	Lawnmower Repair And Service - No Outside Storage In "C-2"					P	P		P			S	2100
Service	Library	P	P	P	P	P	P	P				P	4242
Service	Linen Or Uniform Supply, Diaper Service (Pickup & Supply Only)						P		P	P		S	2100
Service	Loan Office	P	P	P	P	P	P	P				P	2200
Service	Locksmith		P	P	P	P	P	P				P	2100
Service	Manufactured Home / Oversize Vehicle Sales, Service Or Storage								S	P		S	2100
Service	Massage - Parlor						P	P				P	6520
Service	Massage - Therapeutic	S	P	P	P	P	P	P	P			P	3400
Service	Medical - Chiropractor Office	P	P	P	P	P	P	P				P	6511
Service	Medical - Clinic (Physician And/Or Dentist)	P	P	P	P	P	P	P				P	6511
Service	Medical - Clinic Physical Therapist	S	P	P	P	P	P	P				P	6520
Service	Medical - Hospital Or Sanitarium					S	P	P	S			S	6530
Service	Medical - Laboratory Dental Or Medical		S	P	P	P	P	P	P			S	6513
Service	Medical - Optical Goods Retail	S	P	P	P	P	P	P				P	2163
Service	Medical - Optical Goods Wholesale						P	P	P	P		P	3510
Service	Medical - Optician	P	P	P	P	P	P	P				P	2410
Service	Medical - Optometry Office	P	P	P	P	P	P	P				P	2410
Service	Mini Warehouse - Over 2.5 Ac. Requires Specific Use Permit In "C3" & "D"						P	P	P	P	P	P	3600

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Service	Mortuary - Embalming And Preparation Only						S		P			S	6700
Service	Movie Rentals			P	P	P	P	P				P	2336
Service	Palm Reading			P	P	P	P	P				P	2600
Service	Pawn Shop					P	P	P	P			P	2140
Service	Picture Framing			P	P	P	P	P				P	2140
Service	Post Office	P	P	P	P	P	P	P	P	P		P	6310
Service	Reading Room	P	P	P	P	P	P	P				P	5300
Service	Reducing Salon				P	P	P	P				P	6511
Service	School - Business College		P			P	P	P				P	6142
Service	School - Trade (No Outside Storage & Training Area Permitted)						P	P				S	6140
Service	School - Trade (Outside Storage & Training Area Permitted)								P	P	P	S	6140
Service	Self-Defense Instruction			P	P	P	P	P	P			P	6140
Service	Shoe - Repair			P	P	P	P	P				P	2600
Service	Sign Shop - No Outside Storage					P	P	P	P			P	3440
Service	Studio - Fine Or Performing Arts	S	P	P	P	P	P	P				P	6145
Service	Studio - Interior Decorating	P	P	P	P	P	P	P				P	2413
Service	Studio - Photographic			P	P	P	P	P				P	
Service	Studio - Sound & Recording						P	P	P			P	
Service	Tailor Shop			P	P	P	P	P				P	2600
Service	Tattoo Parlor/Studio						P					P	2600
Service	Taxidermist								P	P		S	2140
Service	Tool Rental - Fenced & Screened Outside Storage Permitted						P	S				S	2140
Service	Tool Rental - Outside Storage Permitted								P	P		S	2140
Service	Tree Cut & Trim Service						S		P	P		S	2000
Service	Watch Repair		P	P	P	P	P	P				P	2140
Social	Club - Private					S	P	P				P	9900
Social	Clubhouse - Private Including Lodges & Meeting Halls				P	P	P	P				P	9900
Storage	Carting, Crating, Hauling, Storage									P	P	S	3600
Storage	Cold Storage Plant									P	P	S	3600
Storage	Fur Dyeing, Finishing And Storing							S	P	P		S	3600
Storage	Ice Cream Truck Storage									P	P	S	4000
Storage	Moving Company								P	P	P	S	4140
Storage	Storage - Outside (Under Roof And Screened)								P	P	S	S	9900
Transportation	Airport - Non-Governmental									S	S	S	4113
Transportation	Freight Depot								S	P	P	S	4140
Transportation	Heliport		S					S		S	S	S	4110
Transportation	Helistop		S			S	S	S		S	S	P	4110
Transportation	Passenger Depot						S	S	P	P	P	P	4120
Utilities	Radio Or Television Station Without Transmission Tower					S	S	S	S	S		P	4231
Utilities	Telephone Equipment Infrastructure	S	S	S	S	S	S	P	P	P	P	P	4234
Utilities	Wireless Communication Systems		S			S	S	S	S	P	P	S	4233
Utility	Sanitary Landfill, Solid Waste Facility										S	NA	4345
Warehouse	Office Warehouse (Flex Space) - Outside Storage Not Permitted						P		P	P	P	S	3600

TABLE 311-2 NON-RESIDENTIAL USE MATRIX													
	PERMITTED USE	O-1	O-2	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD	(LBCS Function)
Warehousing	Warehousing							S	P	P	P	P	3600
Wholesale	Bakery - Wholesale								S	P		P	3520
Wholesale	Barber And Beauty Equipment - Wholesale						P	P	P			P	3510
Wholesale	Camera, Photographic Equipment & Supplies - Wholesale						S	P	P	P		S	3510
Wholesale	Dairy Equipment Sales - Wholesale									P	P	P	3510
Wholesale	Dairy Products - Wholesale									P		P	3520
Wholesale	Drug Sales - Wholesale								P	P		P	3520
Wholesale	Fish Market - Wholesale								P	P		P	3520
Wholesale	Food Products - Wholesale & Storage								P	P		P	3520
Wholesale	Fruit And Produce - Wholesale								S	P		P	3520
Wholesale	Furniture Sales - Wholesale						P		P	P		P	3510
Wholesale	Glass - Wholesale						P		P	P		P	2120
Wholesale	Grocery - Wholesale									P	P	P	3520
Wholesale	Hardware Sales - Wholesale								P	P		P	3510
Wholesale	Office Equipment And Supply - Wholesale (Incidental To Other Onsite Retail Items In "D")						P	P	P	P		P	3520
Wholesale	Paper Supplies - Wholesale (Incidental To Onsite Retail Items In "C-3" And "D")						P	P	P	P	P	P	3520
Wholesale	Plumbing Fixtures - Wholesale						S	S	P	P		P	3510
Wholesale	Shoe - Wholesale No Manufacturing						P	P	P			P	3520
Wholesale	Sporting Goods - Wholesale (Incidental To Onsite Retail Items In "D")							P	P	P		P	3510
Wholesale	Stone Monument - Retail & Wholesale								P	P		P	2130
Wholesale	Tamale - Preparation Wholesale (Less Than 2,000 Square foot In C-1 & C-2)				S	S	P	P	P	P		P	3520

## **DIVISION 3    SPECIFIC USE PERMITS & CONDITIONAL ZONING DISTRICTS**

### **35-320      *Specific Use Permit***

See § 35-423 of this Chapter.

### **35-321      *Conditional Zoning Districts***

- (a) A Conditional Zoning District, bearing the designation “C”, is hereby established as a companion district for every district established in § 35-303(a), as follows:

- “RP-C” Resource Protection
- “RE-C” Residential Estate
- “R-20-C” Residential Single-Family
- “R-6-C” Residential Single-Family
- “RM-6-C” Residential Mixed
- “R-5-C” Residential Single-Family
- “RM-5-C” Residential Mixed
- “R-4-C” Residential Single-Family
- “RM-4-C” Residential Mixed
- “MF-25-C” Multi-Family
- “MF-33-C” Multi-Family
- “MF-40-C” Multi-Family
- “MF-50-C” Multi-Family
- “O-1-C” Office
- “O-2-C” Office
- “NC-C” Neighborhood Commercial
- “C-1-C” Light Commercial
- “C-2-C” Commercial “C-3” General Commercial C-2NA Commercial, Nonalcoholic Sales
- “C-3R-C” Restrictive Commercial
- “C-3NA-C” General Commercial, Nonalcoholic Sales
- “D-C” Downtown
- “L-C” Light Industrial
- “I-1-C” General Industrial
- “I-2-C” Heavy Industrial
- “QD-C” Quarry District
- “ED-C” Entertainment District

- 
- (b) Conditional Zoning Districts may be applied as parallel districts to any of the Base Zoning Districts. Conditional Zoning Districts may not be applied to any of the Overlay Zoning Districts (Article 4, Division 4) or Special Districts (Article 4, Division 5) of this Chapter.
  - (c) The procedures for establishing Conditional Zoning Districts are set forth in § 35-422 of this Chapter.

**35-322 to 35-329      *Reserved***



## DIVISION 4 OVERLAY DISTRICTS

### 35-330 *Generally*

The overlay zoning districts address special siting, use and compatibility issues which require use and development regulations in addition to those found in the underlying zoning districts. If any regulation in an overlay zoning district requires lower densities, greater Setbacks, or otherwise imposes greater standards than those required by the base zoning district, the more restrictive standard applies.

The zoning designation of property located within an Overlay District shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned RE and is also located within the Edwards Recharge Zone District, the zoning designation of the property would be RE (ERZD). In effect, the designation of property as being within the Edwards Recharge Zone District places such property in a new zoning district classification and all procedures and requirements for zoning and rezoning must be followed.

### 35-331 *Airport Hazard Overlay District (AHOD)*

*This division is adopted pursuant to the authority conferred by Vernon's Local Government Code, chapter 241. It is hereby found that an airport hazard endangers the lives and property of the users of San Antonio International Airport, Stinson Municipal Airport, Kelly Air Force Base, Randolph Air Force Base and of the occupants of land in the vicinity thereof, and also, if of the obstruction type, such hazard reduces the size of the area available for the landing, taking-off and maneuvering of aircraft, thus tending to destroy or impair the utility of these airports and the public investment therein. Accordingly, it is declared:*

- That the creation or establishment of an airport hazard is a public nuisance and an injury to the communities served by these airports;*
- That it is necessary, in the interest of the public health, public safety and general welfare that the creation or establishment of airport hazards be prevented; and*
- That the prevention of these hazards should be accompanied, to the extent legally possible, by the exercise of the police power without compensation.*

#### **(a) Development Standards**

##### **(1) Future uses.**

Within any airport hazard area which is within, or extends into, the controlled area of these regulations, no material change in the use of land and no structure or tree shall be erected, altered, planted or

otherwise established at a height greater than two hundred (200) feet above the ground or above a 100 to 1 slope from the nearest point of the nearest runway of any airport unless a permit therefore shall have been applied for and granted. Applications for permits shall be made to the department of building inspections upon a form supplied for this purpose, and by submitting a map of sufficient accuracy and detail to allow an accurate determination of compliance with this division. No permit for a use inconsistent with this division shall be granted unless a variance has been approved in accordance with subsection (a)(4) of this Section. Nothing in the foregoing shall be construed as permitting or intending to permit any construction, alteration or growth of any structure or tree in excess of the height limits established by this division.

**(2) Existing uses.**

No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on the effective date of the ordinance from which this division is derived or any amendments thereto, or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

**(3) Nonconforming structures, natural growths and land uses.**

A permit shall be required before any nonconforming structure, natural growth or land use in the airport hazard area may be altered, repaired, rebuilt, replaced, replanted or relocated. No permit shall be granted that would allow a nonconforming structure, natural growth or land use to be made or become higher, or become a greater hazard to air navigation than it was. Whenever the department of building inspections or administrative agency outside of the City of San Antonio determines that a nonconforming land use has been abandoned or more than eighty (80) percent torn down, damaged, physically deteriorated or decayed, no permit shall be granted that would allow same to be replaced, repaired or re-established unless in full compliance with the height and use restrictions of this division.

**(4) Variances.**

Any person desiring to erect or increase the height of any structure or permit any natural growth or use his property, not in accordance with the regulations prescribed in this division, shall apply to the board of adjustment for a variance from such regulations. Such variances shall be allowed where it is found that a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship, and the relief granted would not be contrary to the public interest but will do substantial justice and be in accordance with the spirit of this division. Applications for such action by the board of adjustment shall be made to the director of the department of building inspections if inside the City of San Antonio, or the director of planning if in the city's extra-territorial jurisdiction.

**(5) Federal notification.**

Within any airport hazard area, any person who proposes any construction, alteration or tree growth meeting the following criteria shall give notice to the regional office of the Federal Aviation Administration if and as required by Part 77 of the Federal Aviation Regulations, titled "Objects Affecting Navigable Airspace":

- Any construction or alteration of more than two hundred (200) feet in height above the ground level at its site.

- Any construction or alteration of greater height than an imaginary surface extending upward and outward at any one (1) of the following slopes: (a) for International and Stinson, a slope of 100 to 1 for a horizontal distance of twenty thousand (20,000) feet from the nearest point of the nearest runway; and (b) for military airports, a slope of 50 to 1 for a horizontal distance of ten thousand (10,000) feet from the nearest point of the nearest runway.

Also, any person who proposes to construct, alter, activate or deactivate a civil or joint use, civil/military, airport shall likewise give notice to the Federal Aviation Administration as required by Part 157 of the Federal Aviation Regulations titled "Notice of Construction, Alteration, Activation, and Deactivation of Airports." If a request for a permit or variance is made from any action falling under any of the stated federal notice requirements, final action on the requested permit or variance may, at the discretion of the administrative agency or of the board of adjustment, be deferred until a final determination has been issued by the Federal Aviation Administration. However, in no event shall the requirements of this division be subordinate to a determination of the Federal Aviation Administration.

**(6) Marking and lighting.**

Any permit or variance granted may require the owner of the structure or natural growth in question to install, operate and maintain thereon, at his own expense, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard. Any lights required under this paragraph shall be engineered and designed for the intended purpose by a recognized manufacturer, and it shall be the responsibility of the owner or any subsequent owner to see that the lights are properly installed and maintained so as to be functioning during darkness and all periods of low visibility, independently of the functioning of other lighting in or on the structure or growth.

**(b) Height-limiting imaginary surfaces, International and Stinson.**

The height restrictions for structures and growths in the airport hazard areas are specified by means of imaginary planes or surfaces in the airspace above the airport hazard areas. Within the controlled area of this section, such surfaces are hereby established in the airspace surrounding each airport protected by this division to define the limit above which any projection of a structure or tree would be considered an airport hazard and thus be prohibited except as otherwise provided by this division. The surfaces are illustrated on the airport hazard zoning maps, which are adopted and made a part of this division, by means of elevation contour lines in a manner similar to the use of topographic contour lines to illustrate the variations in the elevation of natural terrain. Their geometric description is as follows:

**(1) Primary surface.**

The primary surface is centered longitudinally and laterally about the runway, the ends extending two hundred (200) feet beyond the runway ends. The elevation of any point on the primary surface is the same as the nearest point on the runway center line between the runway ends. The width of the primary surface varies according to the existing or planned classification of usage of the most critical end of the individual runways as follows per Part 77 of the Federal Aviation Regulations:

**A. San Antonio International Airport:**

Runway 12R-30L, one thousand (1,000) feet.  
Runway 12L-30R, one thousand (1,000) feet.

Runway 3-21, one thousand (1,000) feet.

B. Stinson Municipal Airport:

Runway 9-27, one thousand (1,000) feet.

Runway 14-32, five hundred (500) feet.

**(2) Approach surface.**

The approach surface is an inclined plane, longitudinally centered on the extended runway center line, which begins at the end of the primary surface, at the same width and elevation, and extends outward and upward at a specific horizontal to vertical slope, at a specific uniform rate of increase in width and for a specific distance as follows:

A. San Antonio International Airport:

Runways 3, 12R, 12, 21, and 30L: 50 to 1 slope for first ten thousand (10,000) feet, thence to a 40 to 1 slope at an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.

Runway 30R: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is one thousand five hundred (1,500) feet.

B. Stinson Municipal Airport:

Runway 27: 50 to 1 slope for first ten thousand (10,000) feet, thence at a 40 to 1 slope to an ultimate distance of fifty thousand (50,000) feet, at which the width is sixteen thousand (16,000) feet.

Runway 32: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is two thousand (2,000) feet.

Runways 9 and 14: 20 to 1 slope for a distance of five thousand (5,000) feet, at which the width is one thousand two hundred fifty (1,250) feet.

**(3) Transitional surface.**

These surfaces extend outward and upward to a slope of 7 to 1 from the longitudinal edges of the primary surfaces and approach surfaces, measured at right angles to the runway center line and center line extended. These surfaces connect the primary and approach surfaces with the other surfaces described in this section, including other transitional surfaces. Beyond the outer periphery of the conical surfaces, the transitional surfaces extend a maximum horizontal distance of five thousand (5,000) feet from the longitudinal edges of the precision approach surfaces, measured at right angles to the extended runway center line.

**(4) Horizontal surface.**

The horizontal surface is a horizontal plane one hundred fifty (150) feet above the established airport elevation, nine hundred fifty-nine (959) feet above mean sea level for San Antonio International; seven hundred twenty-seven (727) feet above mean sea level for Stinson Airport. The perimeter of the

horizontal surface is constructed by swinging arcs of ten thousand (10,000) feet radius from the center of each end of the primary surfaces of Runways 3-21, 12R-30L and 12L-30R at San Antonio International Airport and Runway 9-27 at Stinson Municipal Airport. The adjacent arcs are then connected by tangent lines.

**(5) Conical surface.**

The conical surface extends outward and upward to a slope of 20 to 1 from the periphery of arid at the same elevation as the horizontal surface. It extends for a horizontal distance of four thousand (4,000) feet, to a height of three hundred fifty (350) feet above established airport elevation.

**(6) Kelly Air Force Base and Randolph Air Force Base.**

In addition to the above described imaginary surfaces, the imaginary surfaces of Kelly Air Force Base and Randolph Air Force Base described by Section 77.28 of Part 77 of the Federal Aviation Regulations, and which extend into the corporate limits of the city, shall be enforceable under these regulations within the corporate limits.

**(c) Height restrictions.**

- (1) Except as otherwise provided in this article, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area in excess of the height of the imaginary surface above the structure or natural growth.
- (2) Where more than one (1) imaginary surface or the imaginary surfaces of more than one (1) airport exist in the same area, the more restrictive limitation shall prevail.
- (3) In addition to the height restrictions imposed by the imaginary surfaces, no structure or natural growth shall be erected, altered, increased in height, allowed to grow or maintained in an airport hazard area at such height as would result in the alteration of any flight procedure established by federal aviation authorities.
- (4) If tall construction cranes or other equipment will be used which are higher than a structure or growth which is being erected under a permit granted pursuant to this article, the operator of the cranes or equipment may be required, at the discretion of the authorities in charge of the airport affected, to maintain coordination with air traffic control personnel to keep them informed of his work schedule, to keep the equipment in a lowered position to the maximum extent possible, and to install appropriate hazard marking and/or lighting on the top extremity of the equipment.
- (5) Nothing in this division shall be construed as prohibiting the construction or maintenance of any structure, or growth of any tree to a height up to twenty (20) feet above the surface of the land.
- (6) If the imaginary surface boundaries established above are less restrictive for a specific instance than those specified in the Federal Aviation Regulation Part 77, "Objects Affecting Navigable Airspace" as amended, or any subsequent Federal Aviation Agency criteria, then the criteria shall, in effect, be a part of these regulations and shall be the applicable restriction hereunder.

**(d) Use restrictions.**

Notwithstanding any other provisions of this division no use may be made of land within the airport hazard area in such manner as to:

- (1) Create electrical or visual interference with any electronic facility or instrumentation, wherever located within the airport hazard area, including but not limited to, radio transmitters and receivers, radar installations, landing and navigational aids and weather instruments where such facilities are used in connection with the landing, taking-off and maneuvering of aircraft;
- (2) Make it difficult for flyers to distinguish between airport lights and others;
- (3) Result in glare in the eyes of flyers using the airport;
- (4) Impair visibility in the vicinity of the airport;
- (5) Cause physical objects of any nature to penetrate, however briefly, the air space above the imaginary surfaces established in this article, such objects including, but not limited to kites, balloons, projectiles, rockets, model aircraft, derricks and cranes, unless a special temporary permit be obtained from the authorities in charge of the affected airport;
- (6) Establish or alter privately owned flying fields, strips or heliports, unless found not to be objectionable after a special aeronautical study by federal aviation authorities;
- (7) Create bird strike hazards;
- (8) Otherwise endanger the landing, taking-off, or maneuvering of aircraft.

**(e) *Nonconforming uses.***

**(1) *Not retroactive.***

The regulations prescribed in this division shall not be construed to require changes in land use or the removal, lowering, or other change or alteration of any structure or natural growth in previous lawful existence, but not conforming to the effective date of the ordinance from which this division is derived, or otherwise interfere with the continuance of any previously lawful nonconforming use. Nothing contained in this division shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of the ordinance from which this division is derived, is diligently prosecuted, and would have otherwise been in legal existence upon completion.

**(2) *Marking and lighting.***

Notwithstanding the preceding provision of this section, the owner of any nonconforming structure or natural growth is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary to indicate to the operators of aircraft in the vicinity of the airport the presence of such flight hazards. Such markers and lights shall be installed, operated and maintained at the expense of the airport desiring such marking and lighting.

**(f) *Administrative agency (inside city limits).***

The department of building inspections of the city is hereby designated as the administrative agency charged with the administration and enforcement of this division. As such, it shall establish administrative procedures for requiring, accepting and subsequently approving or denying applications for airport zoning permits, in accordance with subsection (a) of this section. In this regard, the department of building inspections will withhold any other permits normally issued under its jurisdiction which would allow construction or erection to proceed on any structure which would be in violation of these regulations. The administrative agency shall not have, or exercise any of the powers or duties, which are delegated to the board of adjustment under Vernon's Local Government Code, chapter 241.

**(g) Board of adjustment.**

The board of adjustment of the city is hereby designated to be the board of adjustment for this division, to have and exercise the powers set forth in Vernon's Local Government Code, chapter 241.

**(h) Appeals.**

Any person aggrieved or taxpayer affected by any decision of the administrative agency made in its administration of this division, or any governing body of a political subdivision, which is of the opinion that a decision of such an administrative agency is an improper application of airport hazard zoning regulations may appeal to the board of adjustment under the provisions of Vernon's Local Government Code, chapter 241.

**(i) Judicial review (Inside city limits).**

Any person aggrieved or taxpayer affected by any decision of the board of adjustment which is of the opinion that a decision of the board of adjustment is illegal, may present to a court of record a verified petition setting forth that the decision is illegal, in whole or in part, and specifying the grounds of illegality as provided in Vernon's Local Government Code, chapter 241. Such petition shall be presented to the court within ten (10) days after the decision is filed in the office of the board.

**(j) Conflicting regulations.**

In the event of conflict between any airport zoning regulations adopted hereunder and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land or any other matter, and whether such other regulations were adopted by the city or by some other political subdivision, the more stringent limitation or requirement shall govern and prevail.

**(k) Imaginary surfaces (Kelly and, Randolph Air Force Bases).**

The following airport imaginary surfaces are hereby created and establish the limit above which any projection of a structure, natural growth or object constitutes an airport hazard under these regulations:

**(1) Primary surface.**

The primary surface is centered longitudinally and laterally about each runway. It extends two hundred (200) feet beyond each end of the runway in a horizontal plane at the same elevation as the associated runway end, except at military airports where primary surface length is the same as the runway length.



Between the ends of the runway it has a uniform gradient as established by the runway and elevations. The width varies as follows:

- A. Instrument runways, municipally-owned airports, one thousand (1,000) feet.
- B. Non-instrument runways, municipally owned airports, five hundred (500) feet.
- C. Runway 15-22, Kelly Air Force Base: two thousand (2,000) feet.
- D. Runway 14-32, Kelly Air Force Base, and all runways, Randolph Air Force Base: one thousand five hundred (1,500) feet.

**(2) Approach-departure surface**

- A. The approach-departure surface begins at the end of the primary surface, except at military airports where it begins two hundred (200) feet beyond the primary surface, and is centered about the runway center line extended. From a width equal to that of the primary surface it extends outward and upward and increases uniformly in width as follows:
- B. For instrument runways at municipally owned airports, the approach-departure surface extends outward from the primary surface at a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 to a distance of ten thousand (10,000) feet from primary surface, thence at a slope of 40 to 1 thereafter.
- C. For non-instrument runways at municipally-owned airports, the approach departure surface extends outward from the primary surface a distance of ten thousand (10,000) feet, at which point it is two thousand five hundred (2,500) feet wide. It extends upward at a slope of 40 to 1.
- D. For military airports, the approach-departure surface begins two hundred (200) feet beyond the primary surface and thereafter extends outward a distance of fifty thousand (50,000) feet, at which point it is sixteen thousand (16,000) feet wide. It extends upward at a slope of 50 to 1 until it reaches an elevation five hundred (500) feet above the established airport elevation, then it continues horizontally to its outer end.

**(3) Transitional surface.**

The transitional surface extends outward and upward at right angles to the runway center line at a slope of 7 to 1 until it intersects the horizontal or conical surface, except that transitional surfaces for those portions of ILS approach surfaces that project through and beyond the limits of the conical surface, extend a distance of five thousand (5,000) feet measured horizontally from the edges of those portions of the approach surfaces and at right angles to the runway center line. For military airports, the transitional surface does not apply for the horizontal portion of the approach-departure surface.

**(4) Inner horizontal surface.**



The inner horizontal surface is a horizontal plane at a height of one hundred fifty (150) feet above the established airport elevation. Its outer edge is determined by scribing an arc with a radius of seven thousand five hundred (7,500) feet above a point on the center line at the end of all runways and interconnecting these arcs with tangents.

**(5) Conical surface.**

The conical surface extends outward and upward from the outer edge of the inner horizontal surface at a slope of 20 to 1 for a horizontal distance of seven thousand (7,000) feet to a height of five hundred (500) feet above the established airport elevation.

**(6) Outer horizontal surface.**

The outer horizontal surface is a horizontal plane which extends from the outer edge of the conical surface a distance of thirty thousand (30,000) feet at a height five hundred (500) feet above the established airport elevation.

**(7) Airport Zoning Maps**

The attached airport zoning maps are hereby adopted and supersede all prior airport zoning maps. The imaginary surface boundaries are shown on these maps by aerial contours.

## **35-332 Edwards Recharge Zone District (ERZD)**

*The Edwards Recharge Zone District (ERZD) has been established for locations where the Edwards and associated limestone formations come to the surface to provide a recharge area for the underground water supply contained within these formations. The recharge area also can provide an entrance to the underground water supply for contaminated water runoff from uses on the recharge zone as well as from the related sensitive area. Thus this recharge zone district is designed to not allow land uses which which could adversely affect the water supply, and thereby minimizing the risk of potential occurrences wherein such substances could enter the water reservoir. Land uses permitted are those not having operations, production, or storage of hazardous materials which could contribute contaminants to the water supply. All land uses allowed within the ERZD by this subdivision must also conform to the requirements of Chapter 34, Article VI, Division 6, of this Code.*

*The provisions of this Section implement the following policies of the Master Plan:*

- *Natural Resources, Policy 1b: Develop and implement a management plan for land use activities which includes the best management practices, based on scientific study, that will protect the recharge and drainage zones of the Edwards Aquifer from pollution.*
- *Natural Resources, Policy 1b: Aggressively implement the water quality recommendations included in the 1994 report, The Edwards Aquifer: San Antonio Mandates for Water Quality Protection and any subsequent revisions.*
- *Natural Resources, Policy 1b: Incorporate comprehensive watershed management considerations in revisions of land use and development standards.*

- *Natural Resources, Policy 1b: Support new development designs that incorporate street, drainage and lot layouts which reduce storm runoff, pollutant loading, and the need for landscape irrigation.*
- *Natural Resources, Policy 1b: Adopt urban drainage standards which reduce non point source pollution and minimize downstream flooding.*
- *Natural Resources, Policy 1b: Continue to enforce, and strengthen if necessary, requirements for underground storage tanks.*
- *Natural Resources, Policy 1b: Identify significant recharge features and accurately record their location onto subdivision plats using current computer technology.*
- *Natural Resources, Policy 1b: Protect recharge features through such measures as acquisition, zoning restrictions, and buffering.*
- *Natural Resources, Policy 1b: Consider impacts of transportation on the recharge zone when revising and implementing the Major Thoroughfare Plan.*
- *Natural Resources, Policy 1b: Utilize vegetated buffer zones along 100 year floodplains and significant creeks.*
- *Natural Resources, Policy 1b: Establish standards for vegetation clearing and maintenance.*
- *Natural Resources, Policy 1b: Maximize open space and minimize impervious cover through all available means.*
- *Natural Resources, Policy 1b: Study the correlation between land use and stormwater quality and set standards in accordance with the findings.*
- *Natural Resources, Policy 1b: Utilize mechanisms such as land banking to provide incentives to public and private entities to mitigate impacts at a higher ratio than the minimum required.*
- *Adopt local guidelines and support regional guidelines for construction activities in the Edwards Aquifer Drainage and Recharge Zones area.*

**(a) Boundaries.**

The limits of the Edwards Recharge Zone District (ERZD) are described on United States Geological Survey Quadrangle Maps, being copies of the official maps in the offices of the Texas Natural Resource Conservation Commission (TNRCC), and are defined in the Texas Administrative Code, 31 TAC § 701 *et seq.* (West 1997). If the limits of the ERZD cannot be accurately determined, then Watershed Protection and Management Department of SAWS shall interpret the district boundaries after obtaining such geologic information as is necessary from the United States Geological Survey or other properly designated agency.

**(b) Zoning classification.**

- (1) The Edwards Recharge Zone District (ERZD) is designed as an overlay to the regular zoning districts. Property located within this overlay district must also be designated as being within one of the regular zoning districts. Authorized uses must be permitted in both the regular zoning district and the overlay district.
- (2) Uses permitted by right and with a specific use permit are specified in § 35-311, Table 311-1 of this article, Permitted Uses. It shall be unlawful for any person to make use of any property located within the Edwards Recharge Zone District, except in accordance with such tables of permitted uses.

**(c) Development Standards**

No use may be established, and no development activity shall occur, within the ERZD except in compliance with the Edwards Aquifer Protection Standards ( Chapter 34, Article VI, Division 6 of the City Code).

**35-333 Historic Districts and Landmarks**

*Pursuant to Texas Local Government Code §§ 211.001 and 211.003, historic districts and landmark designations are adopted in order to protect and preserve places and areas of historical, cultural, or architectural importance and significance. Historic Districts and Landmark designation preserve and enhance the City's historic resources pursuant to Goal 2 of the Urban Design Element of the Master Plan.*

**(a) Establishment**

Historic districts and landmarks shall be established and governed in accordance with Division 2 of Article 6 of this Chapter.

**(b) Applications for Rezoning**

- (1) The designated Historic Districts have outstanding historic and cultural significance. When considering applications for rezoning relating to Landmarks and in Historic Districts, the Zoning Commission shall apply the following goals and guidelines in addition to the criteria set forth in § 35-421 of this Chapter:
  - A. Preserve the architectural integrity of the Historic District or Landmark.
  - B. Promote the general welfare of the community by fostering compatible land uses.
  - C. Permit only uses which would be compatible within these districts.
  - D. Prevent uses which would deteriorate the Landmark, Historic District, and/or district character.
  - E. Provide a sense of community identity and continuity for site planning issues such as open space, parking ratios, setbacks, lot size, building heights, signs, lighting, and traffic.
- (2) All decisions approving a rezoning related to a Landmark or within an Historic District should:
  - A. conform as closely as possible to established zoning regulations while incorporating these goals; and
  - B. protect adjacent property; and
  - C. encourage preservation, restoration and revitalization of existing structures and neighborhood integrity.
- (3) When considering applications for a rezoning related to a Landmark or within an Historic District, the Zoning Commission should encourage housing, commercial or institutional uses, or combinations thereof, to maintain the historic, architectural, and cultural harmony of design and function. It is further the intent of these goals and guidelines to provide for:

- A. Zoning which preserves existing historic districts, landmarks, architecture, structures, trees, outstanding natural topography, and geologic features.
  - B. An efficient use of inner city land resulting in the use of existing facilities, structures, utilities, streets, topography, and resources.
  - C. An environment of stable architecture in harmony with the historic and cultural character of the surrounding cityscape.
- (4) Flexibility to implement special development concepts should be encouraged, but should not detract from these goals and guidelines.

#### 35-334 Military Airport Overlay District

*The City of San Antonio has designated the Military Airport Overlay Zones in order to promote the public health, safety, peace, comfort, convenience, and general welfare of the inhabitants of military airport environs and to prevent the impairment of military airfields and the public investment therein. The land areas below military airport take off and final approach paths are exposed to significant danger of aircraft accidents. It is, therefore, necessary to limit the density of development and intensity of uses in such areas. The Military Airport Overlay Zones are intended to:*

- *Guide, control, and regulate future growth and development.*
- *Promote orderly and appropriate use of land.*
- *Protect the character and stability of existing land uses.*
- *Enhance the quality of living in the areas affected.*
- *Protect the general economic welfare by restricting incompatible land uses.*
- *Prevent the establishment of any land use which would unreasonably endanger aircraft operations and the continued use of military airports.*

#### **(a) Boundaries.**

The specific boundaries of the Military Airport Overlay Zones are shown on the official zoning map maintained in the department of planning. At the ends of the runways of military airports are designated Clear Zones which measure three thousand (3,000) feet by three thousand (3,000) feet in length and width. Beyond the Clear Zones, the city has designated two (2) Military Overlay Zones (see diagram):

##### **(1) Military Airport Overlay Zone 1 (MAO-1)**

This zone extends approximately five thousand (5,000) feet in length and three thousand (3,000) feet in width beyond the Clear Zone.

##### **(2) Military Airport Overlay Zone 2 (MAO-2)**

This zone extends approximately seven thousand (7,000) feet in length and three thousand (3,000) feet in width beyond MAO-1.

**(b) Zoning classification.**

**(1) Overlay district.**

The Military Airport Overlay Zones are designed as overlays to the regular zoning districts. Property located within these districts must also be designated as being within one of the regular zoning districts. Authorized uses must be permitted in both the regular zoning district and the overlay district and must comply with height, yard, area, and parking requirements of the regular zoning district.

**(2) Zoning designation.**

The zoning designation of property located within the Military Airport Overlay Zones shall consist of the regular zone symbol and the overlay district symbol as a suffix. For example, if a parcel is zoned B-1 and is also located within District 2, the zoning designation of the property would be B-1 (MAO-2). In effect, the designation of property as being within a Military Airport Overlay Zone places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.

**(c) Uses.**

**(1) Prohibited uses.**

The following uses are prohibited within the Military Airport Overlay Zones:

- A. Residential uses, except as provided for in Exceptions for Residential Uses (subsection (d), below).
- B. Transient lodging, hotels, and motels.
- C. Hospitals, sanitariums, and nursing homes.
- D. Public and private schools, including day care centers, professional, trade, and technical schools.
- E. Churches and cultural facilities.
- F. Auditoriums, except as a proper accessory to a permitted use.
- G. Correction, detention, and penal institutions.
- H. Flea markets.
- I. Amusement and recreational uses over five thousand (5,000) square feet in size, except for golf courses, riding stables, and horse training facilities.
- J. Restaurants, eating and/or drinking establishments, clubs and lodges.

K. Billboards.

L. Shopping centers/malls in Zone 1 and shopping centers/malls in excess of two hundred and fifty thousand (250,000) square feet in Zone 2.

**(2) Permitted uses.**

All other uses authorized by the underlying zoning district are permitted subject to the conditions set forth for Floor Area Ratio, Visual and Electrical Interference, and Storage of Flammables subsections (e)-(f), below.

**(d) Exceptions for residential uses.**

**(1) Existing residences.**

Notwithstanding any other provisions of this Ordinance, residential uses located within the Military Airport Overlay Zones which were lawfully in compliance with the provisions of this chapter on August 13, 1987 may be repaired and enlarged provided (1) the number of dwelling units is not increased and (2) all other applicable requirements of this district are met.

**(2) Vacant lots.**

Vacant platted lots which are zoned for single-family residential uses may be used for single-family residences providing they conform to all other applicable requirements of this district. Such lots may not be subdivided into more than one additional lot for single-family residential use.

**(e) Floor area ratio.**

The floor area ratios specified in the table below shall apply to uses within Military Airport Overlay Zones 1 and 2. The floor area ratio shall be determined by dividing the total floor area of all buildings on a platted lot by the total lot area.

Uses	District 1	District 2
Retail trade limited to automotive, building materials, furniture, home furnishings, and marine sales	0.25	0.50
All other retail trade	0.00	0.30
Wholesale trade	0.50	1.00
Industrial/Manufacturing	0.50	1.00
Personal services and business	0.00	0.50
Processing and warehousing	0.50	1.00
All other uses	0.25	0.50

**(f) Visual and electrical interference.**

Notwithstanding any other provisions of these regulations, no use shall be made of land within the Military Airport Overlay Zones in such a manner to:

- Release into the air any substance which would impair visibility or otherwise interfere with the operation of aircraft; e.g., steam, dust, smoke, etc.;
- Produce light emissions, either direct or indirect (reflective) which would interfere with pilot vision;
- Produce electrical emissions which would interfere with aircraft communications systems or navigational equipment; or
- Attract birds or waterfowl, or in any other manner constitute an airport hazard.

**(g) Storage of flammables.**

The provisions of this section shall apply throughout the Military Airport Overlay Zones. All technical terms shall be interpreted as defined in the Uniform Fire Code.

**(1) Solid materials.**

- The storage or manufacture of flammable solid materials or products is permitted only if the flammable material or products are stored or manufactured within completely enclosed buildings having noncombustible exterior walls and protected throughout by an automatic fire extinguishing system.
- The storage or manufacture of explosive materials and of materials or products which decompose by detonation is prohibited.

**(2) Liquid materials.**

- A. The manufacture of flammable or combustible liquids or materials which produce flammable or combustible vapors or gases is prohibited.
- B. the storage of flammable and combustible liquids, or of materials that produce flammable or combustible vapors or gases, shall be permitted only in accordance with the Uniform Fire Code.

**(h) Height regulations.**

The height of structures within the Military Airport Overlay Zones shall be governed by the height requirements of the underlying zoning district as well as the provisions of the Joint Airport Zoning Regulations in Division 11, Article III of this chapter.

**(i) Site Plan**

Except for single-family residences, a site plan shall be submitted to the director of planning for approval by the planning commission prior to the issuance of building permits as provided in § 35-475.

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**35-335      *Neighborhood Conservation District (NCD)*****(a)      *Purpose.***

- (1) Within the City of San Antonio there are many unique and distinctive residential neighborhoods or commercial districts which contribute significantly to the overall character and identity of the City. They are worthy of preservation and protection, but may lack sufficient historical, architectural or cultural significance at the present time to be designated as historic districts. As a matter of public policy, the City Council aims to preserve, protect, enhance, and perpetuate the value of these residential neighborhoods or commercial districts through the establishment of Neighborhood Conservation Districts.
- (2) The purposes of a Neighborhood Conservation District in residential neighborhoods or commercial districts are as follows:
  - A. to protect and strengthen desirable and unique physical features, design characteristics, and recognized identity, charm;
  - B. to promote and provide for economic revitalization;
  - C. to protect and enhance the livability of the City;
  - D. to reduce conflict and prevent blighting caused by incompatible and insensitive development, and to promote new compatible development;
  - E. to stabilize property values;
  - F. to provide residents and property owners with a planning tool for future development;
  - G. to promote and retain affordable housing;
  - H. to encourage and strengthen civic pride; and
  - I. to ensure the harmonious, orderly and efficient growth and redevelopment of the City.
- (3) The Neighborhood Conservation District planning tool implements the following policies of the Master Plan:
  - A. Neighborhoods, Policy 2b (1): Establish a zoning classification such as a Conservation District or a Planned Development District for neighborhood specific plans.
  - B. Urban Design, Policy 1b (1): Create and adopt urban design guidelines and standards that will enhance the quality of life in San Antonio, and which specifically encourage the following...preservation and enhancement of the City's important historic and cultural characteristics, including architectural styles and historic districts, as well as existing residential and commercial districts, and neighborhood centers.
  - C. Urban Design, Policy 1d (1): Involve neighborhoods in developing neighborhood-specific plans that define the character and pattern of development for their neighborhood, and that establish infill development guidelines.

**(b)      *Designation Criteria.***

To be designated as a Neighborhood Conservation District, the area must meet the following criteria:

- (1) contain a minimum of one blockface (all the lots on one side of a block);
- (2) at least 75% of the land area in the proposed district was improved at least 25 years ago, and is presently improved; and



- (3) possess one or more of the following distinctive features that create a cohesive identifiable setting, character or association;
- (4) scale, size, type of construction, or distinctive building materials;
- (5) spatial relationships between buildings;
- (6) lot layouts, setbacks, street layouts, alleys or sidewalks;
- (7) special natural or streetscape characteristics, such as creek beds, parks, greenbelts, gardens or street landscaping;
- (8) land use patterns, including mixed or unique uses or activities; or
- (9) abuts or links designated historic landmarks and/or districts.

**(c) Zoning Authority.**

- (1) Separate ordinances are required to designate each Neighborhood Conservation District. Ordinances designating each district shall identify the designated boundaries, applicable Designation Criteria and design standards for that district, and be consistent with any existing Neighborhood and/or Community plans.
- (2) Overlay district. Neighborhood Conservation Districts are designed as overlays to the regular zoning districts. Property designated within these districts must also be designated as being within one or more of the regular base zoning classifications. Authorized uses must be permitted in both the regular zoning district and the overlay district. Property designated as a Neighborhood Conservation District may have additional designations. Such property shall comply with all applicable use restrictions.
- (3) Zoning designation. The zoning designation for property located within a Neighborhood Conservation District shall consist of the base zone symbol and the overlay district symbol (NCD) as a suffix. Neighborhood Conservation Districts shall be numbered sequentially to distinguish among different districts, i.e., R-6 (NCD-1), C-1 (NCD-2), etc.
  - A. The designation of property within a Neighborhood Conservation District places such property in a new zoning district classification and all procedures and requirements for zoning/rezoning must be followed.
  - B. In the event of a conflict between the provisions of a specific Neighborhood Conservation District ordinance and the regular base zoning district regulations, the provisions of the Neighborhood Conservation District ordinance shall control.
  - C. Except as modified by this section, the procedures for zoning changes set forth in § 35-3024 shall otherwise apply to the designation of an area as a Neighborhood Conservation District.
  - D. Upon designation of an area as a Neighborhood Conservation District, the City Council shall cause notice of such designation to be recorded in the official public records of real property of Bexar County, the tax records of the City of San Antonio and the Bexar Appraisal District, and the House Numbering section of the City of San Antonio's Department of Building Inspections.

**(d) Initiation Procedures.**

- (1) A zoning change application for designation as a Neighborhood Conservation District shall be initiated at the direction of the:

- A. request of owners representing 51% of the land area within the proposed district, or
  - B. request of 51% of property owners within the proposed district, or
  - C. Director of Planning, pursuant to a Neighborhood or Community Plan adopted by City Council, or City or community revitalization program.
- (2) Following initiation for designation of a Neighborhood Conservation District, the Planning Department shall develop a Neighborhood Conservation Plan for the proposed district that includes:
- A. maps indicating boundaries, age of structures and existing land use within the proposed district;
  - B. maps and other graphic and written materials identifying and describing the distinctive neighborhood and building characteristics of the proposed district;
  - C. a list of all property owners (with legal addresses), neighborhood associations and/or other organizations representing the interests of property owners in the proposed district; and
  - D. design standards.
- (3) All property owners within the proposed district shall be afforded the opportunity to participate in drafting the Neighborhood Conservation Plan, which will be approved as part of the zoning ordinance creating a Neighborhood Conservation District.

**(e) Design Standards.**

- (1) The conservation plan approved as part of the zoning ordinance creating a Neighborhood Conservation District shall include Design Standards for new construction of any building or structure, or the relocation or rehabilitation to the street facade of an existing building or structure.
- (2) The Neighborhood Conservation Plan, and requisite Design Standards shall not apply to those activities which constitute ordinary repair and maintenance, i.e., using the same or similar material and design.
- (3) The Design Standards for the Neighborhood Conservation District must include at a minimum (or note the inapplicability), the following elements governing the physical characteristics and features of all property (public or private) within the proposed district:
- A. building height, no. of stories;
  - B. building size, massing;
  - C. principal elevation features;
  - D. lot size, coverage;
  - E. front and side yard setbacks;
  - F. off-street parking and loading requirements;
  - G. roof line and pitch;
  - H. paving, hardscape covering;
- (4) In addition, the Design Standards may include, but shall not be limited to, the following elements:

- A. building orientation;
- B. general site planning (primary, ancillary structures);
- C. density;
- D. floor area ratio;
- E. signage;
- F. architectural style and details;
- G. building materials;
- H. garage entrance location;
- I. window/dormer size and location;
- J. landscaping;
- K. fences and walls;
- L. entrance lighting;
- M. driveways, curbs and sidewalks;
- N. utility boxes, trash receptacles;
- O. street furniture;
- P. solar systems, components;
- Q. building relocation;
- R. right-of-way (exceeding Public Works standards)

**(f) *Neighborhood Ordinance Administration***

- (1) No building permit shall be issued by the Department of Building Inspections for new construction or an alteration or addition to the street facade of an existing building or structure within a designated Neighborhood Conservation District without the submission and approval of design plans and the issuance of a Certificate of Compliance by the Director of Planning.
- (2) The Director of Building Inspections shall forward a copy of a building permit application to the Director of Planning for review and comment.

**(g) *Violation of Provisions.***

- (1) The violation of any provision of this section shall constitute a violation of this Chapter and may be prosecuted in municipal court regardless of whether civil or administrative action is taken against the permit holder. Upon conviction, the permit holder shall be subject to the penalties prescribed in Article 1, Division 2 of this Chapter.
- (2) The Director of Planning may request the City Attorney to institute a civil action as prescribed in Article 1, Division 2, regardless of whether a criminal action has been taken.

## **35-336      Utility Conversion Districts**

*Within the city there are numerous corridors in which the transmission of electricity, telecommunications, cable television and other technologies (collectively referred to as utilities or facilities within this division) has been facilitated through the use of above ground poles in public rights-of-way and easements.*

*Undergrounding or relocation of these facilities can provide a safer environment for the public. Undergrounding, relocation or redesign of these facilities can enhance the surrounding development by improving the visual appearance and appeal of the city's visitor attractions, scenic views and urban corridors, cultural and historical resources, public gathering places and other major public facilities. The undergrounding, relocation or redesign of these facilities can also promote economic development and revitalization in surrounding areas, increase the value of commercial properties and residential neighborhoods, and improve the quality of life for all San Antonians.*

*The establishment of utility conversion districts requires mechanisms to identify and designate the specific corridors and areas to be modified, to determine the nature of the improvements to be required in each such corridor or area, to require the various utility companies to implement these projects as parts of public works or civic improvement projects directed by city council and to require property owners and utility customers to modify their property as necessary to receive utility services from underground, relocated or redesigned distribution systems.*

### **(a)      Applicability**

To be established as a utility conversion district, a corridor or area must meet either one of the following criteria:

- The proposed utility conversion district includes the area of another public works or civic improvement project which is already planned and for which reasonable assurance of funding has been secured. If the existing public works or civic improvement project does not already require some relocation of existing above-ground utilities in the area, then it must be of such unique and city wide significance, as determined by city council, to justify consideration to achieve the purposes of this subdivision. This related project does not need to be sponsored or financed by the city, but it must be the project of a governmental entity; or
- A utility conversion district is proposed by a petition of the property owners in the area. The petition must be signed by the owners of at least two-thirds (2/3) of the total number of lots or separate tracts of land in the area of the proposed district, and the property of these owners must encompass at least two-thirds (2/3) of the total land area of the proposed district, excluding the area of streets, alleys and other public rights-of-way and of any other land owned by the city. Petitioners shall use the city petition form for utility conversion districts to ensure that the project proposed is technically feasible and worthwhile and that all of the affected property owners are considered in the calculation of the signature requirement.

Other provisions of this Code notwithstanding, the provisions of this section shall apply to property belonging to or used by the city, or to property used to provide city owned utilities.

### **(a)      UCD Ordinances**

**(1) Ordinances establishing Utility Conversion Districts**

This division authorizes the establishment of utility conversion districts and includes general provisions governing all such districts. However, a separate ordinance is required to establish each such district. The ordinance establishing a particular utility conversion district shall:

- Describe the area of the district
- Specify the requirements for improvement of the utilities in each part of the district, and
- Establish a deadline by which existing utility customers within the district must complete the modification of their property as necessary to continue to receive utility services from the new utility distribution systems.

**(2) Requirements of Utility Conversion Districts**

The requirements of a particular district may include any combination of the following:

- The conversion of existing overhead utility facilities to underground operation;
- The relocation of existing overhead utility lines from one specified route to another;
- Specified improvements in the design of existing and/or new overhead utilities.
- A requirement that all new utility lines in the district or in a specified area of the district be installed underground or meet an improved design standard without requiring modification of existing utilities in the district or that area of the district.

The requirements of a particular district may apply to transmission and trunk lines, to distribution lines, or both, as specified in the ordinance creating the district. The ordinance creating a particular district shall specify the improvements which are to be required in the district, and it may apply any combination of the preceding requirements to any particular specified areas or corridors within the district. In addition, the ordinance may require that whenever utility lines are extended from within the district or a specified area of the district to serve property which is outside but adjacent to the district or that area of the district, the portion of the extensions within the district shall conform to the district requirements with respect to underground installation, aboveground route or design standard as appropriate.

**(3) Utility Conversion Districts are Overlay Districts**

Utility conversion districts are established as overlays to the regular base zoning districts. The zoning district designation for each utility conversion district shall consist of the base zone symbol with the overlay district symbol "UCD-" as a suffix, followed by a sequential number for the order in which these districts are created.

**(b) UCD Procedures****(1) Compilation Process**

At the beginning of each calendar year, city staff shall begin compiling a list of the proposals for utility conversion districts which have been received during the previous year and which meet the criteria of the previous paragraph. Upon completion of the compilation process, city staff shall make the list available to the public. This list shall include the staff's preliminary analysis of the potential benefits, technical feasibility, and costs of each proposed district which is eligible for consideration. For each proposed and eligible district, the analysis shall also include consideration of any alternatives to the

initially proposed requirements which the staff believes are feasible and would largely achieve the intended objectives of the district.

**(2) City Council Resolution**

Each year, following the city's receipt of notice from CPS of the amount of funds available for utility conversion projects in the city, the city council shall hold a public hearing to consider the establishment of utility conversion districts. Following the hearing, the council shall adopt a resolution stating its intention to establish one or more utility conversion districts, up to the limit of the funds available. The number of districts and their size and scope shall be limited to the funds available. For each such district which the council intends to establish, the resolution shall describe the area or boundaries of the district, the requirements or combinations of requirements which are proposed in each part of the district, and the deadline which is proposed for compliance by the utility customers.

**(3) Notification**

Following the adoption by city council of a resolution of intent to establish a utility conversion district, the city shall notify each property owner, inside and within two hundred (200) feet of the boundaries of the proposed district, of this action. The city will also work with the utilities involved to identify and notify the utility customers in the area who are not property owners. The notice shall include a summary explanation of the purposes, procedures, requirements and possible impacts on property owners and utility customers of the establishment of a utility conversion district. The notice may also include the time and place of an informal public meeting, in a location convenient to the area, at which city staff will explain the process of implementing utility conversion districts, answer questions, and attempt to gather information on the degree of community support for the proposal.

**(4) Decision**

- Following the notice of the council's intent to establish a utility conversion district and the neighborhood public meeting, the zoning commission shall hold a public hearing and make recommendations to city council. Notice of the hearing shall be provided in the same manner as for a change in zoning. The planning commission will also consider the substance of the proposed utility conversion district and make a recommendation to the city council.
- Following receipt of the recommendations of the zoning commission and the planning commission, the city council shall hold a second public hearing before determining whether to proceed with the establishment of the district. If the council determines to proceed, it shall adopt an ordinance establishing the district as an amendment to § 35-335(i) of the Unified Development Code. The ordinance adopting the amendment to § 35-335(i) shall also declare that implementation of the utility improvements is required for the public health, safety and general welfare, and that the project constitutes a public works or civic improvement project of the city within the meaning of the utility franchise and municipal fee agreements.
- If the council determines not to proceed with the establishment of the district, it shall adopt a resolution to abandon the proposal. The council may then adopt a resolution of intent to establish another utility conversion district in place of the district which is abandoned. The adoption of a new resolution of intent shall then initiate the processes of notice, neighborhood meeting, and recommendations by the zoning commission as set out in the previous paragraphs of this section.

However, the council may not establish a new district at this stage unless the proposed district was among those considered at the previous annual public hearing.

- Within thirty (30) days after the establishment of a utility conversion district, the city shall notify each affected utility company and property owner listed on the current Bexar County Appraisal District tax rolls. The notice to the utilities shall constitute their direction to proceed with the project as a public works or civic improvement project of the city. Except for districts or areas within districts which only require new utility distribution lines to be extended underground, the notice shall notify property owners that the utility poles, overhead utility lines and associated facilities in the district are to be removed and converted to underground operation, or relocated or redesigned as appropriate to the location of their property within the district, and that if the property owners, the tenants or occupants of their property desire to continue to receive the utility services they must make all of the necessary changes on the premises so as to receive service from the new utility distribution systems. The notice shall also notify the property owners of the anticipated schedule for the completion of the district improvements and the required deadline for modification of the property. The notice shall also inform the property owners of the technical and other assistance which is available to them in meeting the district requirements, and contain the name, office address and telephone number of a city staff person who will be available to answer questions.

**(c) *Implementation of district improvements.***

**(1) *Conversion of Overhead to Underground Operations***

If the ordinance establishing a particular utility conversion district requires the conversion of overhead utilities to underground operation, then every public utility which has poles, overhead lines and associated above-ground facilities in the affected area of the district shall remove its poles, overhead lines and associated facilities in the area as required by the ordinance establishing the district, subject to other applicable city ordinances and franchise agreements. Thereafter no new utility poles, overhead lines or associated facilities shall be permitted in the affected district area.

**(2) *Rerouting of Overhead Utility Lines***

If the ordinance establishing a particular utility conversion district requires the relocation of overhead utilities from one route to another, then every public utility which has poles, overhead lines and associated above-ground facilities along the route which is to be vacated shall remove its poles, overhead lines and associated facilities from that route, and shall install such new facilities as it considers necessary along the alternate route, as required by the ordinance establishing the district. Thereafter no new utility poles, overhead lines or associated facilities shall be permitted in the district along the route which is vacated. The ordinance establishing the district may also require that utility lines shall not be extended overhead from elsewhere within the district or within a specified area of the district to serve adjacent property along that route or along a specified part of that route. Prior to placement, the location of all new poles, anchors and guy lines along any new route shall be approved by the director of public works.

**(3) *Replacement of Facilities***

If the ordinance establishing a particular utility conversion district requires the replacement of existing poles, overhead lines and associated above-ground facilities with those of an improved design, then every public utility which has poles, overhead lines and associated facilities in the affected area of the



district shall remove those which do not conform to the improved design standard and shall replace them with poles, lines and associated facilities which meet the improved standard, as required by the ordinance establishing the district. Thereafter no new utility poles, overhead lines or associated facilities shall be permitted in the affected district areas which do not meet the improved design standard. Prior to placement, the location, route and design of the new poles (including anchors and guy lines), overhead lines and associated facilities shall be approved by the director of public works.

**(4) Regulations Applicable Only to New Development**

If a requirement of the ordinance establishing a particular utility conversion district applies only to new development, then the existing utility poles, overhead lines and associated facilities in the affected district area may continue in use and may be replaced as necessary. However, no additional poles shall be installed and no additional lines shall be extended on existing poles in the affected district area except in conformance with the district requirements.

**(d) Responsibilities of property owners and customers.**

**(1) Application.**

This section applies whenever a utility conversion district requires:

- The conversion of overhead utilities to underground operation;
- The relocation of overhead utilities from one route to another; or
- The replacement of existing poles, overhead lines and associated above-ground facilities with those of an improved design.

**(2) New easements.**

Any new easement acquired by the city shall be reasonable and necessary. If an additional easement or easements are required, the utility may request the property owner to dedicate the easement with no compensation to the property owner. Election by the property owner to not dedicate the easement without receipt of compensation, will in no way impair the property owner's service contract with the utility. In such event, the city may:

- Withdraw or modify the proposed designation of the project as a utility conversion district; or
- Procure the new easement in conformity with existing procedures and statutes governing compensation for nonvoluntary easements.

The cost associated with acquisition of easements for utility conversion district shall not be borne by the property owner conveying the easement. Acquisition costs for gas and/or electric easements shall be paid from the city public service conversion fund. Acquisition costs for other easements shall be paid by the respective utilities.

**(e) Modification to receive utility service.**



**(1) Financial Responsibility**

Property owners and customers shall not be required to pay any costs associated with conversion of existing utility service to underground utilities. Modifications to the owner/customer's property necessary to receive service from the new utility distribution system shall be paid from the city public service conversion fund. However, if preexisting electrical code violations are observed during installation or reconnection of service from the new utility distribution system the property owner/customer shall be responsible for the correction of such violations. All correction of violations shall be completed within ninety (90) days after written customer and owner notification that the new distribution system is available. For the purposes of this section, "preexisting electrical code violation" shall mean the violation of the electrical code in effect at the time the property owner/customer's improvements were constructed. Only life safety corrections will be required. Electrical installations that comply with prior codes and are in good repair may remain. All conversion costs for other utilities shall be borne by the respective utilities.

**(2) Unfunded Conversion Costs**

In the event conversion costs that do not qualify for payment through the city public service conversion fund are not borne by the customers, municipal utilities, other utilities or other interests, the project will not be designated as a utility conversion district unless the affected property owners voluntarily choose to pay for conversion costs of their property to receive service from the new distribution system.

**(3) Utility drops**

All new construction and new structural alterations which involve the utility drop of an existing building or structure with a utility conversion district shall be designed to receive utility service from the utility distribution system required in the district.

**(f) Disconnection of service.**

In the event that a property owner or utility customer does not comply with the requirements of a utility conversion district within ninety (90) days after receiving notice that service is available from the new utility distribution system, the utility provider(s) shall notify the director of public works of the owner/customer's noncompliance. The director of public works shall give the noncompliant party an opportunity to be heard. If, after this opportunity to be heard, the director of public works determines that the service should be disconnected, he/she shall direct the utility providers to do so. The purpose of this provision is to provide for flexibility when dealing with exceptional circumstances and not to frustrate the intent expressed in this division to convert or reroute utilities.

Upon notice to disconnect service, and subject to applicable federal and state rules and regulations regarding service termination, the utility providers shall disconnect and remove any and all poles, overhead lines and associated facilities supplying utility service to the subject property. The utility providers shall not thereafter be required to provide service to such premises until the necessary modifications to receive service from the new distribution system are made.

**(g) Exceptions.**

The provisions of this division shall not apply to the following types of facilities:

- Temporary utility services during construction.
- Overhead lines attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another or to an adjacent building without crossing the front line of the building or the building set backs.

In the case of a utility conversion district which requires the conversion of overhead utilities to underground operation or the installation of new utilities underground, the director of public works shall, at the property owner's request, authorize the use of overhead service drops from riser poles located on private property when the riser pole is located behind the front line of a building and behind the adjacent street side line of a building on a corner lot, or the riser pole is otherwise effectively shielded from public view from any street abutting the property.

**(h) *Emergencies and unusual circumstances.***

In cases of emergency or unusual circumstances of a temporary nature, the director of public works may authorize any person to erect, maintain and use utility poles, overhead utility lines and associated facilities which do not meet the requirements of a utility conversion district for the duration of the emergency or unusual circumstances, not to exceed one year.

**(i) *Districts established.***

The utility conversion district administrative procedures attached to Ordinance No. 85764 are adopted in order to provide city staff with general guidance regarding the implementation process and project selection criteria. The administrative procedures are available for public inspection in the office of the City Clerk.

The city council urges city public service to limit its annual contributions to the utility conversion fund to the current one percent of the electric revenue of the CPS electric system billed during the previous fiscal year, and to refrain from implementing any further rate increases to subsidize this fund.

## **35-337 Viewshed Protection Districts**

*The purpose of this district is to establish regulations to protect, preserve and enhance of views and vistas by authorizing and establishing viewshed protection districts. The City of San Antonio has many views and vistas of historic places, landmark buildings, and other sites of cultural importance which have always been important to the city. These views will continue to be amenities and assets of great value to the city, its people and its economy. New development in the vicinity of these important places is usually beneficial, but when construction becomes too tall and begins to overwhelm or intrude, in scale and mass, the main view or vista of a smaller place of significance, then the viewshed located behind the significant property should be protected. Viewshed protection districts are overlay districts that will be used primarily for unique situations regarding views and vistas that are not adequately covered by the standard zoning districts.*

*Specific purposes of these viewshed protection districts are as follows:*

- To safeguard San Antonio's heritage by preventing the despoliation of views of areas and buildings that reflect important elements of the City's cultural, natural, historic, and economic fabric.
- To create favorable impressions of San Antonio as well as provide environmental enrichment for the citizens of the city.
- To enhance San Antonio's image as a scenic and livable city and to provide appropriate measures to maintain the existing ambiance of certain historic and cultural sites.
- To preserve, protect, and enhance visually those areas of high visitor interest.
- To reduce visual distractions and enhance the photographic quality and opportunities of important historic and cultural sites and landscapes.

**(a) Designation Criteria.**

To be designated as a viewshed protection district, an area must lie within the viewshed of the major entrance or front door to the following historic landmark buildings, objects, sites, or structures:

Site	Legal Description	Address
The Alamo ( Mission San Antonio de Valero)	All of NCB 115	320 Alamo Plaza
Mission Concepcion	Lot A-31 and all lots 26, 27,28, and the south 83' of Lot 25 NCB 3975	807 Mission Road
Mission San Jose	3.3 acres out of NCB 7664	701 East Pyron
Mission San Juan	Tract 3, NCB 10933	9101 Graf Road
Mission Espada	P-5, NCB 11173	10040 Espada Road
Espada Aqueduct	The east part of track I-A and the south part of tract 14, NCB 11174	9000 Block of Espada Road
Espada Dam	P-5, NCB 10932	1800 Block of SE Military
Bergs' Mill	The northwest irregular 310' of the south 330" of P-11, NCB 10932	2400 Block of Ashley Road
Municipal Auditorium	NCB 412	100 Auditorium Circle
The Old Ursuline Academy (Southwest School of Art and Craft)	All of NCB 180	300 Augusta Street
Thomas Jefferson High School	NCB 6758 Blk 8 Lot21	723 Donaldson
Navarro Homestead	NCB 13418, Lot 4	228 Laredo Street
Spanish Governors Palace	NCB 117 Lot A-6 and 4	105 Plaza de Armas
Yturri-Edwards Home and Mill	Lot 13, NCB 6305	257 Yellowstone Street
Church of the Little Flower	NCB 2072, Blk 004, Lot 24	906 Kentucky

| Notes and Rules of Interpretation: "P" refers to the parcel number; "NCB" refers to the New City Block number. |

**(b) Zoning process and classification**

- (1) This ordinance authorizes the establishment of viewshed protection districts; however, separate ordinances are required to designate each district. This ordinance also specifies the general purposes of the protection districts and the scope of the standards which the separate ordinances may address. Ordinances designating each viewshed protection district shall identify the designated protection districts and the scope of the standards which the separate ordinances may address.
- (2) Ordinances designating each protection district shall identify the designated viewshed district(s) and specify the individual purposes and standards for that district.
- (3) The Departments of Planning, Public Works, and Building Inspections shall undertake land use and other background studies necessary to designate a viewshed protection district. All property owners within the proposed district and adjacent areas shall be afforded the opportunity to comment on the ordinance regulations.
- (4) The viewshed protection districts are established as overlays to the regular base zoning districts.
- (5) The zoning designation for the viewshed protection district shall consist of a base zone symbol and the viewshed protection district symbol (VP) as a suffix. Viewshed protection districts shall be numbered sequentially to distinguish among different districts, i.e., VP-1, VP-2, etc. and shall be give a specific name, i.e., Alamo Viewshed, Mission Conception Viewshed, etc. along with a number.

**(c) Boundaries**

- (1) To be designated as a viewshed protection district, an area must be located behind a building or site as described in subsection (a) of this Section (Designation Criteria).
- (2) Prior to viewshed designation, a brass disk monument shall be set and named to mark the viewpoint origination. This monument shall be called out in a survey as the instrument in each legal description defining a viewshed. Each monument shall be numbered and named sequentially, i.e., VP-1, VP-2, etc. From the named monument the elevation, horizontal angle, and vertical angle of the viewshed shall be determined. The Viewshed shall be described in the ordinance designating a Viewshed Protection District.
- (3) Using these points, the viewshed shall also define the volume or envelope within which new construction will be allowed. New construction beyond or outside of this envelope that protrudes into the viewshed and obstructs the view of the designated building or site being photographed, filmed, or otherwise enjoyed by visitors to the site shall be limited by this ordinance.
- (4) The viewpoint origination brass disk monument shall also mark the spot where a photograph can be taken at 5.51 feet above the pin (which is the approximate eye level for most adults). The photograph taken at this point represents a protected view.

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**(d) Development Standards.**

General. Ordinances establishing specific viewshed protection districts shall comply with the requirements addressed in this section subject to the guidelines included herein. In the event of a conflict between the specific protection district and other provisions of this code, the protection district provisions shall prevail.

**(1) Limitation on construction.**

No part of a new structure, sign, tower, roof top equipment or other appurtenance shall be permitted to encroach into any designated viewshed as set forth in this ordinance unless an encroachment is approved in accordance with subsection (2), below. If the maximum height allowed in any zoning district within the city differs from the height permitted by a protection district, the more restrictive height limitation shall apply.

**(2) Nonconforming structures.**

- A. Any structure which presently encroaches into a viewshed protection district which was lawfully authorized by ordinances or regulations existing prior to the effective date of a protection district may continue. However, such encroachments will be encouraged to be removed as part of any remodeling or reconstruction of the structure. In the case of certain focal points that contribute to the historic character and to the quality of the urban design of the city, their removal due to their nonconforming status is not encouraged.
- B. Structures lawfully established prior to the effective date of a protection district may be modified provided that such modification does not cause the structure to encroach into the viewshed to any greater extent in any dimension or configuration, specifically height, width or mass, than the existing structure.
- C. Nonconforming structures may be maintained and repaired as necessary for the safe and efficient operation or use provided that no such maintenance or repair shall cause the structure to encroach into a viewshed to a greater extent in any dimension or configuration, specifically height, width, or mass, than the structure encroached prior to such maintenance and repair.
- D. Whenever a nonconforming structure which does not conform with the provision of this ordinance is destroyed by fire, other calamity or by act of God, its use may be resumed or the structure may be restored provided the restoration is commenced within one year and diligently pursued to completion. The structure after such restoration shall not encroach into a viewshed to a greater extent in any dimension or configuration, specifically height, width, or mass, than the encroachment which existed prior to destruction.

**(e) Public facilities.**

Public agencies shall comply with a viewshed protection district in the siting and design of facilities which are located within or adjacent to a protection district. Utilities are encouraged to be located underground where possible.

## DIVISION 5 SPECIAL DISTRICTS

### 35-340 Purpose

*Special Districts address unique situations. However, unlike Overlay Districts, Special Districts replace the standards and requirements of the Base Districts. In effect, they are a parallel Code and an alternative to proceeding under conventional zoning.*

### 35-341 Mixed Use District (“MXD”)

*To provide concentrated residential, retail, service, office and mixed uses. This district does not regulate land uses but, instead, permits any use to be established subject to design standards established in the Use Patterns (Article 2). Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas.*

*The MX District implements the following policies of the Master Plan:*

- *Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create mixed use districts.*
- *Urban Design, Policy 1c: develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.*
- *Urban Design, Policy 1f: Encourage mixed-use zones around existing and new City facilities to foster a greater mix of activities and social interaction.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*

#### (a) Locational Criteria

An MX District may be designated for areas:

- (1) with an existing mix of retail, office, service and residential uses located within a radius of one-quarter ( $\frac{1}{4}$ ) of a mile, or
- (2) on a tract or parcel for which a TND Use Pattern is proposed.

#### (b) Use Regulations

The Use Matrix is not applicable to a Mixed Use District provided, however, that no building permit shall be issued unless requested use conforms to a Master Development Plan approved as part of a rezoning to an MX District. If an MX District is not approved pursuant to a conditional rezoning, permitted uses shall be governed by the TND Regulations. A TND may be permitted in an MX as of right.

**(c) Lot and Building Specifications**

See TND Regulations (§ 35-207 of this Chapter).

**(d) General Provisions**

See TND Regulations (§ 35-207 of this Chapter).

### **35-342 Transit Oriented Development District ("TOD")**

*The TransitOriented Development District encourages a mixture of residential, commercial, and employment opportunities within identified light rail station or other high capacity transit areas. The district allows for a more intense and efficient use of land at increased densities for the mutual re-enforcement of public investments and private development. Uses and development are regulated to create a more intense built-up environment, oriented to pedestrians, to provide a density and intensity that is transit supportive. The development standards of the zone also are designed to encourage a safe and pleasant pedestrian environment near transit stations by encouraging an intensive area of shops and activities, by encouraging amenities such as benches, kiosks, and outdoor cafes, and by limiting conflicts between vehicles and pedestrians. It is the intent of this Section that a TOD district be restricted to areas within one-half (½) of a mile of a transit station, which area is equivalent to a typical 10-minute walking distance.*

**(a) Locational Criteria**

See § 35-208(c).

**(b) Development Standards**

No Application shall be approved within a TOD district unless it complies with the standards set forth in the TOD Use Patterns, § 35-203 of this Chapter.



### **35-343      Infill Development Zone (“IDZ”)**

*To provide flexible standards for the development and reuse of underutilized parcels. Urban design standards are required in order maintain a neighborhood commercial scale, to promote pedestrian activity, and to maintain the unique character of the center. Pedestrian circulation is required as are common parking areas. Any use may be permitted within an IDZ so long as it complies with the standards of this Section.*

*The purpose of this section is to encourage and facilitate development on vacant, bypassed lands, or the redevelopment of underutilized buildings or structures, within existing built-up areas. The specific purposes of this section are:*

- To provide a more flexible approach to design and development of infill projects.*
- To use the objectives of Smart Growth as the basis for evaluating proposed infill projects.*
- To encourage infill development by simplifying procedures for plan approval and public involvement.*
- To encourage planning and design flexibility and innovations.*
- To create a community environment that is enhanced by a mix of residential, commercial, recreational, open space, employment and institutional uses.*
- To assure community compatibility through high standards of land planning, site and architectural design.*
- To encourage efficient use of land and public services.*
- To ensure adequate public facilities and other community amenities by simplifying and streamlining the approval of private development activities in areas with existing public facilities and infrastructure.*

*The provisions of this Section apply to a geographic portion of the City adopted by City Council to compliment the Community Revitalization Action Group (CRAG) Report of the Special Projects Office of the City.*

*The IDZ implements the following policies of the Master Plan:*

- Growth Management, Policy 1g: Continue to make physical improvements in the inner city to encourage redevelopment and infill development.*
- Economic Development, Goal 4: Provide economic opportunities in targeted areas, particularly within Loop 410 and the southern sector.*
- Neighborhoods, Policy 1a: Rezone vacant or underutilized property in and around neighborhoods to encourage redevelopment that is compatible in use and intensity with the existing neighborhood.*
- Neighborhoods, Policy 1d: Promote conversion or adaptive reuse of vacant or underutilized commercial buildings to provide affordable infill housing.*
- Neighborhoods, Policy 1d: Provide incentives to the private sector to promote reuse of vacant or underutilized commercial buildings for affordable housing through such mechanisms as zoning and platting processing.*
- Neighborhoods, Policy 2b: Amend the Unified Development Code to ... create mixed use districts.*
- Neighborhoods, Policy 4a: Preserve and revitalize housing and promote targeted infill housing in neighborhoods, particularly older neighborhoods located inside Loop 410.*



- *Urban Design, Policy 1c: develop zoning regulations that would allow mixed-use development (i.e. residential and commercial) to be placed in the same building.*
- *Urban Design, Policy 1d: Develop criteria and procedures for infill development which will enhance the character of neighborhoods.*
- *Urban Design, Policy 1e: Permit zero setbacks for commercial and multi-family developments.*
- *Urban Design, Policy 4b: Use incentives to encourage development in underutilized urban areas.*
- *Urban Design, Policy 4b: Consider alternatives to existing Setback, right-of-way, and other platting and zoning requirements to encourage development.*
- *Urban Design, Policy 4b: Consider rezoning underutilized areas to accommodate and promote appropriate redevelopment, while being cognizant of the surrounding areas' environment.*
- *Urban Design, Policy 5b: Encourage resident and employment growth within walking distance of the downtown area and neighborhood centers in order to support an inter-modal transportation system.*
- *Urban Design, Policy 5e: Promote public and private sector, ride-sharing, flexible working hours, parking management innovations, and mixed-use developments as means of reducing the demand for peak period vehicular trips.*

## **(a) Locational Criteria**

### **(1) Generally**

An IDZ may be located within *Community Revitalization Action Group (CRAG)* target area as designated on the effective date of this Chapter, which area generally includes the territory located inside the corporate boundaries of the City as they existed in 1940. An IDZ may also be located in a Census Tract, an area subject to a Neighborhood Plan adopted pursuant to § 35-420 of this Chapter, or other area designated by the City Council pursuant to an ordinance establishing an IDZ zone, in which at least two (2) of the following factors are present:

- A. At least ten percent (10%) of the structures are abandoned; or
- B. At least ten percent (10%) of the platted lots are vacant; or
- C. At least ten percent (10%) of the lots or structures are subject to tax liens.

### **(2) Mapping**

The Planning Department may prepare a map of Infill Development Zones (IDZ's) which meet the criteria set forth above. The IDZ may be approved by the City Council as part of the Official Zoning Map.

## **(b) Use Regulations**

- (1) Unless the ordinance designating an IDZ provides otherwise:
  - A. A proposed Infill Development with frontage on a Local Street may be approved for any use permitted in the Base Zoning District in which it is located.
  - B. A proposed Infill Development located on a Collector Street or higher classification may be approved for any use permitted in the following zoning districts: any Residential Zoning District, O (Office), NC (Neighborhood Commercial), C-1 (Commercial), C-2 (Commercial), C-3 (Commercial), or D (Downtown).

- (2) The ordinance designating an IDZ may provide:
- A. a list of permitted uses, specific uses, and prohibited uses pursuant to a Neighborhood Plan; or
  - B. a designation of the IDZ as an Overlay Zoning District, in which case the permitted uses are those authorized in the Base Zoning District designation.

**(c) Lot and Building Specifications**

The side, front and rear setback provisions of the Zoning regulations (Article 3) shall not apply to an approved Infill Development provided, however, that no new or existing building shall be erected, constructed or expanded to extend within the public right-of-way or within five (5) feet of the rear lot line.

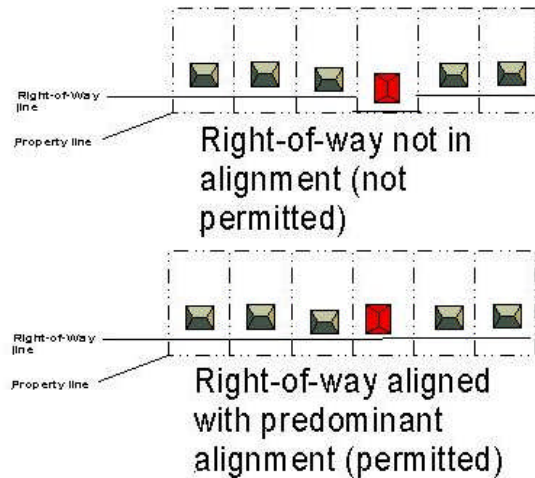
**(d) Adequacy of Public Facilities**

The Adequate Public Facilities Regulations (§ 35-502 of this Code) do not apply to an Application for Development Approval within an IDZ.

**(e) Transportation****(1) Standards not applicable**

The Transportation Standards shall not apply to Infill Development which involves the activities listed in subsections A and B below, except as provided in subsections (2) below. The Transportation Standards shall apply to all other Infill Development not listed below.

- A. The reuse of an existing building; or
- B. The development of an existing parcel or lot of less than twenty-thousand (20,000) square feet.

**(2) Standards which are applicable****Figure 343-1**

The following provisions of the Transportation Standards shall apply to all Infill Development, including that listed above:

- A. Standards relating to sidewalks, § 35-505(q) provided, however, that the Applicant shall not be required to provide a sidewalk width exceeding that of any existing sidewalks adjoining the site.
- B. If the lot adjoins a Street in which the Right-of-Way is not aligned with the adjoining parcels, the standards relating to the dedication of Right-of-Way (§ 35-505(g)) shall apply (see Figure 343-1).

**(f) Stormwater Management**

Infill Development shall comply with the Stormwater Management Standards, § 35-504 of this Chapter, except as otherwise provided herein. The Stormwater Management Standards shall not apply to the following:

- (1) The reuse of an existing building; or
- (2) The development of an existing parcel or lot of less than ten-thousand (10,000) square feet.

The Stormwater Management Standards shall apply to all other Infill Development not listed above.

**(g) Utilities**

The Utilities Standards shall apply to Infill Development.

**(h) Parks & Open Space**

The Parks and Open Space Standards (§ 35-503 of this Chapter) shall not apply to Infill Development.

**(i) Natural Resource Protection**

The Natural Resource Protection Standards (Article 5, Division 5 of this Chapter) shall not apply to Infill Development.

**(j) Buffers, Landscaping, Streetside Planting and Tree Preservation**

The Buffering Standards (§ 35-510) shall not apply to Infill Development. The Landscaping Standards (§ 35-511) and Streetscape Planting Standards (§ 35-512) shall apply. An additional twenty-five (25) points shall be awarded under § 35-511 (m) (Elective Requirements), for landscaping on lots within the IDZ.

**(k) Parking**






The minimum parking requirements of the Parking Standards shall not apply to Infill Development. All other provisions of the Parking Standards shall apply to Infill Development.

**(l) Outdoor Storage**

The Outdoor Storage Standards shall apply to Infill Development.

**(m) Urban Design**

Any new building, or any extension or enlargement of an existing building, shall be compatible in massing to buildings on adjoining lots. For purposes of this Section, the term “massing” refers to the shape and form of a building provided by all, or a combination of, architectural elements such as roof configuration, spacing between buildings, setbacks from the street right-of-way, proportion of fenestration and entryways, building form, exterior building materials, building scale, architectural styles, and landscaping. See Richard Hedman, *Fundamentals of Urban Design* (Chicago: American Planning Association, APA Planner's Press, 1985), at 11-19, which document is hereby incorporated by reference. A building or site plan shall be considered to be “compatible in massing” to adjoining buildings or uses if at least two (2) of the following elements are provided:

<p><b>SPACING BETWEEN BUILDING FACADES.</b> A narrow setback (not exceeding 20 feet) shall be provided between building facades facing the public right-of-way in order to frame the structure and to provide spacing and rhythm between the structures. If an adjoining lot is vacant, the building façade shall be located within ten (10) feet of the side setback line. The provisions of this section shall not apply to Single-Family Detached Dwellings or lots adjoining a Single-Family Detached Dwelling.</p>	
<p><b>PROPORTION OF WINDOWS, BAYS, AND DOORWAYS.</b> Windows, doorways, bays, and pediments meet the following criteria: (1) windows, doorways, bays, and pediments do not vary more than ten percent (10%) in size from windows, doorways, bays, and pediments in the facade of adjacent buildings on the site, and (2) vertical or horizontal elements tied together in bands across facade lengths.</p>	
<p><b>PROPORTION OF PRIMARY FACADE.</b> The size of facades facing the public right-of-way are similar in area and height to width ratios. The size of the facade shall be considered "similar" if the proposed facade does not vary by more than thirty percent (30%) in circumference from any adjoining façade. If this standard cannot be met because of the variation in size of two adjoining facades, the proposed building shall not vary by more than thirty percent (30%) from one of the adjoining facades, at the discretion of the applicant.</p>	
<p><b>LOCATION AND TREATMENT OF ENTRYWAY.</b> At least one (1) entryway shall be provided along the front façade. In order to create visual commonality between structures, the following criteria shall apply: (1) the size of entryways in building facades facing the public right-of-way shall not vary by more than thirty percent (30%) in size, and (2) the height of entryways for adjacent buildings shall not vary more than thirty percent (30%) from grade, as measured from the ground floor elevation.</p>	
<p><b>BUILDING SCALE.</b> Building height and configuration shall not vary by more than ten percent (10%), unless needed to maintain continuity between the ground floor elevation of adjoining buildings on the site.</p>	

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## **35-344      *Planned Unit Development District (“PUD”)***

*The planned unit development (PUD) district is established for the following purposes:*

- *To provide flexibility in the planning and construction of development projects by allowing a combination of uses developed in accordance with an approved plan that protects adjacent properties.*
- *To provide an environment within the layout of a site that contributes to a sense of community and a coherent living style.*
- *To encourage the preservation and enhancement of natural amenities and cultural resources; to protect the natural features of a site that relate to its topography, shape and size; and to provide for a minimum amount of open space.*
- *To provide for a more efficient arrangement of land uses, buildings, circulation systems and infrastructure.*
- *To encourage infill projects and the development of sites made difficult for conventionally designed development because of shape, size, abutting development, poor accessibility or topography.*
- *To allow for private streets and gated entrances for new subdivisions.*

### **(a)      *Evaluation Criteria***

In order to foster the attractiveness of a planned unit development and its surrounding neighborhoods and thereby preserve property values, and in order to provide an efficient road and utility network, ensure the movement of traffic, implement comprehensive planning, and better serve the public health, safety, and general welfare, the following criteria shall be utilized by the planning commission in reviewing PUD plans. These criteria shall neither be regarded as inflexible requirements nor are they intended to discourage creativity or innovation.

- (1)      Insofar as practicable, the landscape shall be preserved in its natural state by minimizing tree and soil removal.
- (2)      Proposed buildings shall be sited harmoniously to the terrain and to other buildings in the vicinity that have a visual relationship to the proposed buildings.
- (3)      With respect to vehicular and pedestrian circulation and parking, special attention shall be given to the location and number of access points to public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and the arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the design of proposed structures and neighboring properties.
- (4)      Private streets and gates shall conform to Article 5 of this Chapter.

### **(b)      *Minimum size***

There is no minimum size for a planned unit development.

**(c) Permitted uses and density**

**(1) Uses.**

A planned unit development may include residential, commercial and industrial uses; cluster housing; common areas; unusual arrangements of structures on site; or other combinations of structures and uses that depart from standard development. The uses permitted in a PUD are those designated in the approved PUD Plan. Density limits are used to determine the maximum number of permitted dwelling units.

**(2) Density table.**

The PUD Plan shall divide the PUD into land use categories and shall indicate the uses permitted in each category. For residential land use categories, the maximum number of dwelling units permitted per acre for each land use category is as follows:

Land Use Category	Maximum Density
RE	1
R-20	2
R-6, RM-6	7
R-5, RM-5	9
R-4, RM-4	11
MF-25	25
MF-33	33
MF-40	40
MF-50	50

**(3) Attached dwelling units.**

Dwelling units may be attached in all PUD districts except for land use categories designated RE and R-20.

**(4) Lots.**

There is no minimum area requirement for lots and lots need not front onto a street. Lot boundaries may coincide with structure boundaries except where perimeter lot Setbacks are required.

**(d) Height and yard requirements**

**(1) Height limitation**

The maximum height of structures shall be as prescribed below; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or Setbacks if required, one (1) foot for each two (2) feet of height in excess of the maximum building height. Distance

credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or Setbacks as applicable.

Structures devoted to the following uses:	Shall be restricted to the following height:
Dwelling, one family; Dwelling, single-family; Duplex; Dwelling, one-family attached; Dwelling, Single-Family Detached; Dwelling, two-35ft/2.5 stories family (duplex); Dwelling, two-family attached; Dwelling, three-family (triplex); Dwelling, four-family (quadraplex)	
Multi-Family not exceeding 25 units/acre	35
Multi-Family not exceeding 33 units/acre	45
Multi-Family not exceeding 40 units/acre	60
Multi-Family not exceeding 50 units/acre	--
Commercial Buildings (LBCS Structure Classification 2100 – 2593, 3000, 4000), except as otherwise listed below	35
Malls, shopping centers, or collection of shops - Regional center (enclosed mall with two or more anchors) or Superregional center (similar to regional, but with three or more anchors)	45
Light Industrial Uses (LBCS Structure Classification 2610, 2700)	35
General Industrial Uses (LBCS Structure Classifications 2620, 5000, 6000)	60

**(2) Fences.**

- A. Along collector and arterial streets, fences or walls within a PUD may extend to a height of eight (8) feet subject to the clear vision area requirements.
- B. No such fence or wall, or portion thereof, shall exceed one-hundred (100) horizontal feet in length unless one of the following architectural features visible from the paved surface of the street is provided as part of the fence:
  1. A column or pillar; or
  2. Articulation of the surface plane wall by incorporating plane projections or recesses having a depth of at least one (1) foot and extending a horizontal distance not less than three (3) or more than twenty (20) feet.
- C. The provisions of subsection B, above, shall not apply to a fence or wall constructed of brick, masonry, or wrought iron fences consisting of at least fifty percent (50%) open voids. The square footage of the fence shall be measured by taking the total square footage of an area defined by the length of the fence and its average height. The percent of open voids shall then be derived by dividing the total square footage of the open voids by the total square footage of the area calculated above, and multiplying this figure by one-hundred (100). The fence's framing (the vertical posts supporting the fence from the ground and no more than three (3) horizontal cross bars between the



posts, or brick or stone pillars) shall not be included in the calculation of the total square footage, provided the framing posts and cross bars do not exceed a four (4) inch width and the posts are spaced at least eight (8) feet apart.

**(e) Required Setbacks**

- (1) Setbacks shall be governed by the PUD Plan. Lots located on the perimeter of a PUD shall adhere to the minimum and maximum Setback requirements of the base zoning district unless a lesser Setback is approved in the PUD plan. There are no Setbacks for interior lots provided the requirements of the Uniform Building Code are met.
- (2) If access to a garage or carport is provided from the front or side of a lot, then the garage/carport shall maintain a twenty-foot Setback from the back of the sidewalk, or curb if there is no sidewalk, as measured along the centerline of the driveway.

**(f) Infrastructure requirements**

**(1) Streets and sidewalks.**

Streets within a PUD may be public or private. However, the planning commission may require dedication and construction of public streets through or into a PUD. Public or Private streets shall conform to the Transportation Standards of this Chapter (see § 35-505(j) of this Chapter)..

**(2) Utilities.**

All utility systems shall comply with the Utilities Standards of this Chapter. Water and sanitary sewer systems within a PUD may be publicly or privately owned; however, the maintenance of private systems shall be the responsibility of the PUD community association. Public utility systems shall be approved by the applicable agency or city department.

**(3) Easements.**

Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

**(4) Garbage collection.**

If in the opinion of the director of public works, private streets in a PUD are arranged so that garbage may be collected without creating a safety hazard, the city will collect the garbage provided proper indemnification is received from the community association or individual property owners. Garbage collection locations shall be subject to the approval of the director of public works. In the event the city does not collect garbage within a PUD, all units within the PUD may be exempted from payment of garbage fees upon furnishing of evidence ensuring acceptable removal of all garbage and refuse by private means. To receive such exemption, written application must be submitted to and approved by the director of finance.

**(g) Parks/Open space**

Each PUD plan shall provide for a minimum amount of parks/open space as required by subsection (1) below. Parks/Open Space shall include yards and any Parks/Open Space areas which conform to the Parks/Open Space Standards (§ 35-503) of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

**(1) Parks/Open space percentages.**

The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

<b>Land Use Category</b>	<b>Required Parks/Open Space (in percent)</b>
Residential	35%
Non-Residential	20%

**(2) Reduction in parks/open space.**

At its discretion, the planning commission may approve a decrease in the amount of required parks/open space when the PUD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

**(h) Parking requirements**

Off-street parking and truck loading facilities shall be provided in accordance with Parking Standards of this Chapter. Parking shall be prohibited on any private street less than twenty-eight (28) feet in width and if utilized on streets twenty-eight (28) feet or wider, the parking must be clearly distinguishable from the movement lanes.

**(i) Common areas and facilities**

Adequate provision shall be made for a community association or other legal entity with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common areas and facilities, including private streets and sidewalks, which are a part of the PUD. The applicant shall submit a legal instrument establishing a plan for the use and permanent maintenance of the common areas/facilities and demonstrating that the community association is self-perpetuating and adequately funded to accomplish its purposes, and providing the city with written permission for access at any time without liability when on official business, and further, to permit the city to remove obstructions if necessary for emergency vehicle access and assess the cost of removal to the owner of the obstruction. The instrument must be approved by the city attorney as to legal form prior to any plat recordation and shall be recorded at the same time as the plat.

**(j) PUD plan**

After the PUD zoning is granted, a PUD Plan shall be submitted to and approved by the planning commission prior to approval of any plats or the issuance of any building permits or certificates of occupancy. The PUD plan shall incorporate any conditions imposed with the granting of the PUD zoning.

### **35-345 Master Planned Community Districts (“MPCD”)**

The Master Planned Community District is a Special District established to encourage the development of areas of mixed uses that are internally compatible in an effort to achieve well designed development and provide a more efficient arrangement of land uses, building and circulation systems.

#### **(a) Uses**

- (1) A “MPCD” may include both residential and commercial uses. In particular, all residential single family (including gated communities) and multi-family uses; O-1 and O-2 office uses; and NC, C-1, C-2, and C-3 commercial uses as defined in this Chapter, are specifically permitted in the “MPCD” zoning base district.
- (2) In addition, business park uses shall be permitted in a “MPCD” zoning base district, subject to the performance standards established in subsection (l) of this section, as follows:
  - wholesaling,
  - research and development,
  - manufacturing,
  - processing,
  - fabrication, and assembly,
  - testing,
  - repair,
  - servicing,
  - storage,
  - laboratory,
  - warehousing,
  - displaying, or
  - distribution of goods, materials or products.
- (3) Vehicular access to a business park use shall be permitted only from major thoroughfares as designated in the City’s Major Thoroughfare Plan.
- (4) The location of all land use categories shall be designated on the “MPCD” site plan as residential (single family), attached residential (multi-family), office, commercial or light industry.

#### **(b) Size**

An “MPCD” shall consist of at least 100 contiguous acres.

#### **(c) Site Plan**

- (1) Simultaneous with the request for “MPCD” zoning, an “MPCD” Site Plan shall also be filed. An application for rezoning to an “MPCD” shall not be deemed complete unless accompanied by a proposed “MPCD” Site Plan. The “MPCD” Site Plan shall be governed by Section 35-412(c)

**Completeness Review** and Section 35-412(e) Approval Criteria of this Chapter. In addition to the applicable requirements of Article 5 of this Chapter, the "MPCD" Site Plan shall also be reviewed for compliance with the terms of this section.

- (2) "MPCD" Site Plans shall be reviewed by the Zoning Commission and approved by the City Council concurrent with the application for rezoning to an "MPCD." The zoning ordinance shall provide that adherence to the "MPCD" Site Plan, or the amended "MPCD" Site Plan is required within the "MPCD" provided, however, that a rezoning shall not be required for the approval of a minor change to the "MPCD" Site Plan as defined in subsection (e)(3) of this Section. The Site Plan shall include the proposed land uses by location, type (single-family, multi-family, office or commercial), density and size. Where single family uses are designated, minimum lot size shall be included and major physical features such as easements, streams, flood plains, and significant vegetation shall be noted.
- (3) If a Master Planned Community is proposed outside of the City's zoning jurisdiction, but within the City's extraterritorial jurisdiction, then the property owner may submit a Master Site Plan that conforms with the provisions contained within the section. In addition, the property owner upon submittal of the Master Site Plan may designate such Site Plan as a Master Planned Community Site Plan. If the property which is the subject of the Master Planned Community Site Plan is subsequently annexed into the City's zoning jurisdiction, then the City shall initiate a rezoning application for the subject tract to rezone the property to "MPCD". The rezoning request and the previously approved Master Site Plan with Master Planned Community designation shall then be reviewed for approval pursuant to the procedures contained herein.

**(d) Coordination with Independent School Districts**

A copy of the site plan shall be provided to the independent school district or districts in which the "MPCD" is proposed to be located. The applicant shall coordinate with the independent school district(s) in order to address the educational needs that may arise with the development of the "MPCD."

**(e) Amendments to "MPCD" Master Site Plan**

- (1) Revisions to a previously approved "MPCD" Master Site Plan shall be classified as minor or major changes. An application for a major or minor change to "MPCD" Site Plan shall be subject to Section 35-412(c) **Completeness Review** provisions of this Chapter. Within five (5) working days after filing the proposed revisions, required items and information, the Director of Planning shall provide a written response indicating whether or not the submitted revised "MPCD" Site Plan has been accepted as a minor or major revision. If it is determined by the Director of Planning that the revised submittal is considered a minor change then said submittal shall be processed by the Director of Planning and shall not require review by the Zoning Commission or approval by the City Council. The Applicant may appeal a conditional acceptance by the Director of Planning using the same process as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section. If it is determined by the Director of Planning that the proposed revision is a major change then said proposed major revisions shall be processed in the same manner as the initial "MPCD" Site Plan submittal described in subsection (c) of this Section.
- (2) A Major Amendment to an "MPCD" Site Plan shall include:

- A. Any increase in the total number of Residential units for the entire "MPCD"
  - B. Any increase in the total Commercial acreage within the "MPCD"
  - C. Any increase in the total industrial acreage within the "MPCD"
  - D. Any increase in the cumulative Traffic Impacts of the entire "MPCD" upon outlying transportation infrastructure
  - E. Any increase in the total sewer capacity required for the "MPCD" as measured in Equivalent Dwelling Units.
  - F. Any increase in the total water capacity required for the "MPCD" as measured in Equivalent Dwelling Units.
  - G. Any decrease above 10% in the total Open Space acreage within the "MPCD"
  - H. Any decrease in perimeter buffers between the "MPCD" and adjacent properties.
  - I. Any change in a proposed land use node from residential to an office, commercial or light industrial use, if the property where the proposed change is to occur abuts existing property in which the Principal Use is a Single Family Residence.
- (3) Any other revision to an "MPCD" Site Plan not described in subsection (2), above, shall be deemed a Minor Change.

**(f) Height and Yard Requirements**

- (1) Height limitation. The maximum height of structures shall be thirty-five (35) feet; however, any portion of a structure may exceed this limit provided such portion is set back from the side and rear lot lines, or Setbacks if required, one (1) foot for each two (2) feet of height in excess of the thirty-five (35) feet. Distance credit shall be permitted for space occupied by structures of conforming height extending from the lot lines or Setbacks as applicable.
- (2) Minimum yard. Single family lots shall comply with the lot requirements of the zoning base district that requires a minimum lot square footage that is less than or equal to the lot square footage shown on the "MPCD" Site Plan. Multi-family, office and commercial shall comply with the setback requirements of the Uniform Building Code.
- (3) Fences. Along collector and arterial streets, fences within a "MPCD" may extend to a height of eight (8) feet subject to the clear vision area requirements of § 35-505(f) of this Chapter.

**(g) Required Natural Buffer**

Unless the perimeter of the "MPCD" is bound by a street or roadway, any property located on the boundary of the "MPCD" shall maintain a twenty foot (20') natural buffer (trees, grass or other vegetation) when:

- the “MPDC” property, used (or proposed for use) for other than single-family purposes, abuts property outside the “MPDC” that is used (or is vacant and zoned) for single-family purposes; or
- the “MPDC” property, used (or proposed for use) for single-family purposes, abuts property outside the “MPDC” that is used (or is vacant and zoned) for other than single-family purposes.

### **(h) Infrastructure Requirements**

- (1) Streets and sidewalks.
  - A. Streets within a “MPDC” may be public or private.
  - B. The entrance to private streets may provide control access by gates or other means permitted by this Chapter (see § 35-505(s)).
  - C. Alternative Street and Sidewalk Standards may be applied within a “MPCD.” In order to be applicable to a particular “MPCD” the Alternative Street and Sidewalk Standards must be submitted as part of the “MPCD” site plan and the site plan must be approved by the City Council. For purposes of this subsection, an “Alternative Street and Sidewalk Standard” means a standard which varies from the requirements of § 35-505(d) of this Chapter.
  - D. Whether public or private, streets and sidewalks shall conform to the Transportation Standards of this chapter, as applicable to Streets, or Alternative Street and Sidewalk Standards” approved as part of an “MPCD” Site Plan.
- (2) Utilities. All utility systems shall comply with the Utilities Standards (§ 35-506) of this chapter.
- (3) Easements. Publicly owned and/or maintained utilities shall be placed in public streets or easements which are a minimum of sixteen (16) feet in width unless a narrower width is approved by the applicable utility. Dead-end easements shall not be permitted unless a city approved vehicular turnaround is provided at the end of each such easement.

### **(i) Open Space**

Each “MPDC” plan shall provide for a minimum amount of open space as required by subsection (1) below. Open Space shall include yards and any Parks or Open Space areas which conform to the Parks and Open Space Standards of this Chapter. Up to twenty (20) percent of the total open space requirement may be met by including one-half of any accessible and contiguous parkland, unimproved floodplain, cemetery, or other beneficial open area which has a reasonable expectancy of perpetuity.

#### **(1) Open space percentages.**

The minimum open space percentage requirements are as indicated in the table below. They are calculated by dividing the total open space within a PUD by the gross site area. The land use category shall be determined by the base zoning district. For PUDs which include both residential and nonresidential uses, the required open space shall be calculated by multiplying the open space percentage times the area of each use and adding the products thus obtained.

<i>Land Use Category</i>	<i>Required Open Space (in percent)</i>
Residential	35%
Non-Residential	20%

**(2) Reduction in open space.**

At its discretion, the planning commission may approve a decrease in the amount of required open space when the MPCD plan includes unique design features or amenities which achieve an especially attractive and desirable development such as, but not limited to, terraces, sculpture, water features, preservation and enhancement of unusual natural features, or landscape sculpture (areas which are intensely landscaped).

**(j) Parking Requirements**

Offstreet parking and truck loading facilities shall be provided in accordance with Parking Standards of this chapter.

**(k) Compatibility Standards**

**(1) Applicability**

This section applies to any use within an MPCD which abuts property on which a single-family residential use is located. In this section, a "single-family residential use" includes any single-family dwelling, duplex, triplex, fourplex, townhome, or residential condominium. The abutting property on which a "single-family residential use" is which is established, or is to be used, as evidence by notation on the "MPCD" site plan, is referred to in this subsection (k) as a "single-family area."

**(2) Height limitations**

A structure subject to subsection (k)(1) of this Section::

- A. Shall be located at least twenty-five (25) feet from a single-family area;
- B. Shall not exceed two stories or 30 feet in height if the structure is 50 feet or less from a single-family area;
- C. May exceed two stories or 30 feet in height, but shall not exceed three stories or 40 feet in height, if the structure is 100 feet or less from a single-family area.

**(3) Increase in height limitations**

The height of a structure subject to subsection (k)(1) of this Section may increase by:

- A. one foot for each feet of distance from property that triggers the compatibility standards if the structure is at least 100 feet but not more than 300 feet from an abutting tract which is used or is to be used, as evidenced by a notation on the "MPCD" site plan, for



single-family residential purposes, and the increased height is permitted by in a "MPCD"; or

- B. one foot for each four feet of distance from property that triggers the compatibility standards if the structure is at least 300 feet, but not more than 540 feet, from property in an abutting tract which is being used or is to be used, as evidence by notation on the "MPCD" site plan, for single-family residential purposes; and the increased height is permitted by the applicable zoning district regulation.

**(4) Scale and clustering requirements**

The massing of buildings and the appropriate scale relationship of a building to another building may be accomplished by:

- avoiding the use of a continuous or unbroken wall plane; and
- using an architectural feature or element that creates a variety of scale relationships, creates the appearance of a residential structure, or is consistent with the exterior form and materials of a structure on an adjoining property; and
- using similar materials for all buildings within the designated land use category; and
- using a design technique or element that creates a building scale which does not exceed single-family residential uses within the MPCD, prevents the construction of a structure in close proximity to a single-family residence zoning district that is significantly more massive than a structure in a single-family residence zoning district; and allows the construction of a structure, including a multi-family structure, that exhibits a scale and massing that is consistent with a single-family residential use.

Except where the "MPCD" site plan specifically provides otherwise, the first block of buildings subject to this subsection must be clustered in a group that is not more than 50 feet wide, as measured along the side of the buildings that are most parallel to the property line of the site. The depth of the first tier of buildings described under Subsection (B) may not exceed:

- two units; or
- 60 feet.

A building must be at least 10 feet apart from another building, as measured from wall face to wall face.

**(5) Screening requirements**

Buildings shall be screened from the view of adjacent property single-family land use category if the use for the building to be constructed is intended for off-street parking, the placement of mechanical equipment, storage, refuse collection or any business park use. A person may comply with this subsection by providing a yard, fence, berm, or vegetation. If a fence is provided, the height of the fence may not exceed six feet, except as provided within this Chapter. The owner must maintain a fence, berm, or vegetation provided under this section.

**(6) Design regulations**

- A. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property which is being utilized for single-family residential purposes.
- B. The noise level of mechanical equipment may not exceed 70 db at the property line.
- C. A permanently placed refuse receptacle, including a dumpster, shall not be located within 20 feet of a single-family land use area.
- D. A highly reflective surface, including reflective glass and a reflective metal roof with a pitch that exceeds a run of seven to a rise of 12, may not be used, unless the reflective surface is a solar panel or copper or painted metal roof.
- E. An intensive recreational use, including a swimming pool, tennis court, ball court, or playground, may not be constructed 50 feet or less from a single-family area.

**(I) Business Park Uses Performance Standards**

In addition to this section's compatibility standards, set out in subsection (k) immediately above, business park uses shall conform to performance standards as follows:

- (1) Air pollution. All uses within a business park district shall operate in compliance with the most current revision of the regulations of the Texas Air Control Board pertaining to the control of air pollution. The city hereby adopts by reference these regulations, a copy of which is on file in the offices of the city clerk and the planning department.
- (2) Noise. All uses shall comply with the provisions of Chapter 21, Article III of the City Code, Noise, and shall not create a noise nuisance as defined in said Article III of Chapter 21.
- (3) Glare and heat. No direct or sky-reflected glare so as to be visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this ordinance. There shall be no emission or transmission of heat or heated air so as to be discernible at the boundary of the lot line.
- (4) Vibration. All machines shall be so mounted as to minimize vibration and no vibration shall be produced which is discernible without the aid of instruments at the boundary of the business park district.
- (5) Noxious odors. The emission of any odors which are discernible without the aid of instruments shall be prohibited beyond the boundaries of the business park district.
- (6) Toxic and liquid wastes. The discharge of any toxic or liquid waste material into any outdoor water course or drainage way shall be prohibited.
- (7) Fire and explosion. All activities and all storage of flammable and explosive materials shall be provided with adequate safety and fire fighting devices in accordance with the Uniform Fire Code

as adopted by the city. The storage of petroleum and other flammable products is permitted only as an incidental use and is prohibited in above ground tanks.

- (8) Radioactivity. No operation shall cause radioactivity at any lot lien in violation of the regulations of the Nuclear Regulatory Commission as set forth in Title 10, Chapter 1, Part 20 of the Code of Federal Regulations, and all applicable regulations of the State of Texas.
- (9) Electromagnetic radiation. No operation shall be conducted which shall adversely effect the performance of electromagnetic radiators or receptors other than those of the creator of the radiation.
- (10) Outside storage shall be enclosed within a solid masonry wall or solid heavy timber fence (two (2) inches thick or greater) so as to completely screen all operations conducted within such wall from observation outside the business park district. The wall shall be at least six (6) feet, but not more than twelve (12) feet in height. No storage shall be higher than the height of the screening which shall be maintained in a safe and sightly condition at all times.
- (11) Structures other than buildings which are visible from view outside of the business park district shall be screened by plantings, landscaping, and/or a solid wall/fence at least six (6) feet in height.

Upon application for a certificate of occupancy for any use in a business park district, the director of building inspections may require such evidence as may be necessary to determine whether or not the proposed use will conform to the performance standards set forth above in this section. The director of planning shall provide verification of the proposed use(s) upon request from the director of building inspections.

**(m) Rezoning of Property within an "MPCD"**

No property within the boundaries of an "MPCD" may be rezoned unless and until the "MPCD" Site Plan is amended pursuant to the provisions contained herein. In particular, any such amendment or rezoning application must be justified in terms of impact to utility infrastructure, roadway infrastructure and goals and purposes of the original Master Planned Community.

**(n) Development of an "MPCD" within the City's Extraterritorial Jurisdiction**

A "MPCD" may be developed within the City's extraterritorial jurisdiction provided that the "MPCD" is developed pursuant to an approved Master Site Plan as provided in section 35-412 of this code and the "MPCD" is designated as such on the Master Site Plan. The permanent zoning of any "MPCD", that is initially located within the extraterritorial jurisdiction and later becomes part of an annexation, shall be consistent with the "MPCD" Master Plan governing the "MPCD" as provided in Sec 35-307 of this code.

**(o) Copy of "MPCD" shall be made available to the public.**

The developer or landowner of an approved "MPCD" shall maintain a copy of the "MPCD" site plan within a the sales office(s) located within the "MPCD". The site plan shall be displayed in a prominent location within the office so that it is easily viewable by the public. In addition copies of the site plan shall

be made available to members of the public upon request. This requirement shall continue until all single-family residential property within the "MPCD" is developed.

**(p) *Rights granted or recognized by Texas Local Government Code Chapter 245 and Ordinance No. 86715 shall benefit an approved "MPCD".***

- (1) It is hereby found and determined that Texas Local Government Code Chapter 245 and City of San Antonio Ordinance No. 86715, passed and approved September 25, 1997 are applicable to an "MPCD" site plan which complies with this Section. An "MPCD" site plan shall enjoy the protection afforded by the aforementioned provisions of state and municipal law any exception in such laws to zoning notwithstanding.
- (2) In each instance when an "MPCD" site plan obtains final approval from City Council the director of planning shall change the zoning records and maps in accordance with the provisions of the ordinance approving a Master Plan Community.
- (3) Thereafter, staff review of subdivision plat applications, building permit applications or other permit applications necessary for the development of the "MPCD" shall be reviewed in context of the "MPCD" site plan. Should there be a conflict between the requirements of the City Code (excluding the City building code) and the particular "MPCD" site plan as to landscaping, buffering, open space or any other matter addressed in the "MPCD" site plans, the "MPCD" site plan shall control.

**35-346 River Walk Districts ("RW-3")**

*The city council hereby finds that the beautified sections of the San Antonio River and the "Paseo del Rio" constitute an area of the city which is different from any other part of the city and which is unsuited for designation under any of the present zoning district classifications which have been heretofore adopted by the city.*

**(a) Special zoning district created.**

The city council hereby adopts and creates a special zoning district classification designed for properties adjacent to the beautified parts of the San Antonio River, to be known as the river walk overlay district. This overlay district is designed for lots which actually abut the waterway and other properties situated nearby or on accesses to the river, so as to have an effect upon the quiet atmosphere of the river walk area.

**(b) Policy manual adopted.**

The San Antonio River Walk Policy Manual approved by the River Walk Advisory Commission on February 28, 1984, is hereby adopted. A copy of the policy manual is available with the Director.

**(c) Designation of districts; zoning.**

The Riverwalk Overlay District shall be designated on the Official Zoning Map as "RWOD."

**(d) Permitted Uses**

The uses permitted in the RWOD are as established in Ordinance No. 65513, § 2(f) (effective August 13, 1987), which is hereby incorporated by this reference.

**(e) Requirements and regulations.**

In addition to the above land restrictions, the following requirements and regulations shall apply to all property located within the river walk overlay district:

**(1) Outside amplification.**

No use shall be made of any property in the river walk overlay district which includes outside amplification except under the terms of this subsection. Outside amplification on a temporary basis may be conducted only after approval given in writing by the Historic and Design Review Commission. For outside amplification on a permanent basis, the written permission of the city council shall be required, the council to grant such permission by ordinance, only upon receiving the recommendation of the Historic and Design Review Commission. "Temporary" means any period of time which is one (1) week or less. "Permanent" means a period of time which is more than one (1) week. Permits issued hereunder

may limit outside amplification as to loudness, location of amplifiers or loudspeakers, time of usage, or any other relevant consideration to protect the quietness of the river walk area and assure that visitors or other landowners or users of property in this zone are not offended or damaged by such activity. No person shall gain any vested rights by issuance of such a permit, inasmuch as any permit may be withdrawn or amended as to its terms at anytime.

**(2)      *Nudity and partial nudity.***

No commercial establishment in the river walk overlay district shall be allowed in which, as a part of the entertainment or method of operation, patrons are exposed to nudity or partial nudity. These prohibitions extend to depictions of nudity or partial nudity by motion picture as well as live acts, performances or conduct. In addition, nudity or partial nudity shall not be depicted on any poster, sign or photo which is located in the river walk overlay district and is visible from the publicly owned San Antonio River or river walk (Paseo del Rio), but this prohibition shall not extend to a photo which is a part of a newspaper, magazine or other written publication offered for sale on the premises where displayed. It shall be a violation hereof for the owner or person in possession of any property in the river walk overlay district to permit activity in violation hereof on such property, and it shall also be a violation hereof for any person to expose himself or herself in violation hereof.

**(3)      *Soliciting alms.***

No person may beg or otherwise solicit alms, donations or gifts of money or anything of value in the river walk overlay district unless written permission has been granted by the Historic and Design Review Commission which permission may limit such activity in the river walk overlay district as to place, time, method of operation, and any other relevant considerations as determined by the commission, so as to assure that no visitors or other users of the property in the area will be offended or disturbed and to assure that no other activity, customs or use shall be harmed. No person shall gain any vested rights by the issuance of such a permit, inasmuch as any such permit may be withdrawn or amended at any time.

**(4)      *Garbage or trash storage.***

No collections, or storage for refuse, debris or garbage produced by any residence, business or industry in the river walk overlay district or elsewhere shall be allowed in a river walk overlay district when such collections or storage is visible from the publicly owned river walk. No hanging of laundry, cleaning rags, mops, or similar items shall be allowed within view of the river walk.

**(5)      *Billboards, signs.***

No billboards shall be allowed in the river walk overlay district. Any sign, visual display, or graphic which is located in the river walk overlay district and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in Article VI of Chapter 28 of this Code. No sign, visual display or graphic shall be allowed in the river walk overlay district unless it is advertising or giving information concerning a business or activity located on the same lot as the sign, visual display or graphic is located.

**(f)      *Urban Design Standards***

Besides the individuality that each building may have, it is desirable for each building's relationship to neighboring structures, as well as the River Walk area in general to be complementary. Sensitivity in

design and a harmonious blending cannot be overemphasized. Original plans by Robert H. H. Hugman provide valuable guidance to the developer on the River Walk and are available for viewing by appointment in the department of planning. Mr. Hugman's plans set the theme for the construction and development of the River Walk, and the Historic and Design Review Commission recommends adherence to the spirit of those plans when renovation, alteration, or new development is planned.

Another consideration during design development of River Walk property is protection of the River Walk's ecoclimate. The River Walk has a special, micro-climate of natural and planted vegetation that requires certain levels and balanced amounts of sunlight, space, and water. Development must be designed to respect and protect those natural requirements, keeping them in balance and not crowding or altering them so that the River Walk's ecoclimate is maintained.

In making recommendations affecting new buildings or structures which will have more than one important facade, such as those which will face both a street and the San Antonio River, the Historic and Design Review Commission shall consider the visual compatibility standards listed below with respect to each important facade.

In considering a certificate application, the Historic and Design Review Commission shall be guided by the original plans of Mr. Hugman and compatibility with the following design considerations:

**(1) Site and setting.**

- A. Context and history. If a developer intends to utilize property in the River Walk area as any part of a development, he should consider the context of the property and the importance and history of the River Walk setting in the new development.
- B. San Antonio character. The exterior styling of architecture of any new building or the modification or alteration of an existing property in the River Walk area must conform to or be in sympathy with early San Antonio architecture. It should include landscaping and walks which blend with and become a part of the natural landscaping of the River Walk. Proposed materials must be complementary to existing materials.

**(2) Building height.**

Height at street level and at River Walk level should be visually compatible with adjacent buildings. Design of facades fronting on the River Walk should use Setbacks so that upper levels recede like stair steps from the River. The apparent physical size, scale and height should relate to existing structures without overwhelming them or improperly shading River Walk vegetation.

**(3) Building mass and character.**

New buildings should look new, reflecting contemporary design standards while using contemporary design elements that relate to the existing structures that surround the new structure. Building height, width, mass and proportion affect the degree of compatibility between the old and the new.

**(4) Proportion of openings.**

The width and height of windows, doors, and entries should be visually compatible with buildings, structures, public ways, and places in the surrounding area. A long unbroken facade in a setting of



existing narrow structures can be divided into smaller bays which will complement the visual setting and the River Walk.

**(5) Rhythm of solids to voids in front facades.**

The relationship of solid spaces (i.e., walls) to voids (i.e., windows/doors) in the front facade of a building or structure should be visually compatible with buildings, structures, public ways in the environment surrounding the building.

**(6) Rhythm of spacing and buildings/structures on street and River Walk.**

The relationship of a building or structure to the open space between it and adjoining buildings or structures should respect the surrounding environment. The building mass of large architectural projects can be varied in form using Setbacks for open space and landscaping when appropriate to provide necessary visual transitions between a large building and the adjacent River Walk area.

**(7) Rhythm of entrance porch and other projections.**

The relationship of entrances and other projections to sidewalks should be designed with the River Walk and street scene provided by the existing buildings, structures, public ways, and places to which the new structure is visually related as a guide.

**(8) Relationship of materials, texture, and color.**

The relationship of materials, texture and color of the facade of a building or structure should be chosen with the predominant materials used in existing buildings or structures in mind. The choice of exterior colors and material textures should be tempered by the predominant colors and textures of the surrounding area. Recommended materials include:

- A. Handmade or moulded sand-finish brick laid up with flush, slightly tooled joints to make a warm and textured wall;
- B. Light and subtly contrasted native limestone walls as appropriate and similar to those on the River Walk that were designed by Robert Hugman or found in the La Villita area;
- C. Painted bricks, using an understated color, or stucco;
- D. Mexican masonry products such as Saltillo tile, halfmoons, natural stone, or cast stone for paving surfaces, grills and walls;
- E. Paneled or carved wood for doors;
- F. Wood or painted steel windows;
- G. Dark bronzed anodized aluminum for storefronts, fascia, or similar elements. Avoid use of plain aluminum, reflective glass and glass films;
- H. Wrought iron and similar ornamental metalwork;
- I. Textured, canvas-like awnings and canopies;
- J. Louvered shutters, rough-hewn beams and lintels;
- K. Tile, stone, pebble finished concrete and brick as paving materials;
- L. Native trees and shrubs, potted small trees and plants. No cactus gardens and volcanic rock; and
- M. Replications that use dissimilar materials.

**(9) Roof shapes.**



The roof shape of a building or structure is a major distinguishing visual element. In most cases a simple roof form similar in form and type as those in the adjacent urban environment is appropriate.

**(10) Roof materials.**

Roof materials for new or renovated properties are very important to the character of construction. Recommended materials include: metal, either standing seam or copper, steel, template of galvanized iron, painted or unpainted (not corrugated); or tile that is either clay or concrete barrel or shingle, using warm variegated colors laid somewhat irregularly.

**(11) Walls of continuity.**

Appurtenances of a building or structure such as walls, fences, and landscape masses should, when it is the nature of the environment, form cohesive walls of enclosure along a street, to insure visual compatibility with the buildings, structures, public ways, and places to which such elements are visually related. Landscaping and use of greenery also should be included, especially in parking and sidewalk areas.

**(12) Scale of buildings.**

The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies should be visually compatible with the buildings, structures, public ways and places in the adjacent environment.

**(13) Balconies.**

No balcony will be added to an existing building without prior approval of the Historic and Design Review Commission. An adequate vertical clearance will be maintained. In general, sidewalk overhangs will be discouraged; however, each request will be reviewed on a case by case basis. Wrought or ornamental iron, wood railings or other indigenous materials are recommended for exterior balconies as applicable.

**(14) Encroachment.**

No construction, improvements, structures, decorations, or displays will be undertaken or placed on the River Walk easement without the review of the Historic and Design Review Commission. No removal, damage to, change or addition to trees, plants or landscaping will be done without written approval of the Historic and Design Review Commission or the director of parks and recreation.

**(15) Signage.**

Signs which are out of keeping with the character of the environment in question should not be used. A sign should be designed to relate harmoniously to exterior building materials and colors. A sign should express a simple clear message with wording kept to a minimum.

**(16) Auxiliary design.**

The site should take into account the compatibility of landscaping, parking facilities, utility and service areas, walkways and appurtenances at both street level and River Walk level. These should be designed

with the overall environment in mind and should be in visual keeping with related buildings, structures and places.

**(17) Ecoclimate.**

Development plans must properly accommodate the ecoclimate of the River Walk area by not altering cycles of sunlight or changing levels and amounts of space and water to River Walk vegetation by crowding plant life or altering levels of light and water.

**(18) Ambient lighting.**

Development must not alter unpleasantly the intensity, color temperature, or illumination levels of direct and indirect lighting on the River Walk. Spillover lighting from interiors shall be controlled so as not to alter illumination levels on the River Walk.

**(19) Awnings and canopies.**

The primary purpose of an awning shall be to provide shade and weather protection to pedestrians.

- A. Size and shape. Awnings shall be proportionate in shape and size to the scale of the building facade to which it will be attached. On historic landmarks or on older buildings, awnings shall be historically appropriate in design and materials.
- B. Materials and lettering. Preferred materials for fabric awnings are fire resistant canvas. Metal canopies may also be appropriate. Lettering on fabric awnings shall be permitted on the front flap only of the awning in a manner proportional to the awning size, but not to exceed one-half the area of the front flap. Symbols or logos may be allowed on the top of the awning not to exceed one-sixth of the square footage of the top of the awning.

**(g) Alteration, restoration, and rehabilitation.**

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure within the River Walk area the historic and design review commission shall be guided by the following considerations as to whether or not the structure is a non-contributing structure to the River Walk area and environment:

- (1) Every reasonable effort shall be made to adapt a contributing property in a manner which requires minimal alteration of the building, structure, object, or site and its environment.
- (2) The distinguishing original qualities or character of a contributing building, structure, object, or site and its environment, shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
- (3) All buildings, structures, objects, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
- (4) Changes which may have taken place in the course of time are evidence of the history and development of a buildings, structure, object, or site and its environment. These changes may

have acquired significance in their own right, and this significance shall be recognized and respected.

- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, object, or site shall be kept where possible. In particular the spirit and intent of the Hugman design for the River Walk shall be retained.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should reflect the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures, objects and appurtenances shall be undertaken with the gentlest means possible, using the Secretary of the Interior's Standards. Sandblasting, high pressure washes, and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project. Archival research shall be required pursuant to the Texas Antiquities Code.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property and the River Walk environment.
- (10) Wherever possible, new additions or alterations to buildings, structures, objects, or sites shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the building, structure, object, or site would be unimpaired.

**(h) Ordinary repair and maintenance.**

Those activities which constitute ordinary repair and maintenance include but are not restricted to:

- (1) Repair using the same material and design as the original;
- (2) Repainting, using the same color;
- (3) Reroofing, using the same type and color of material; and
- (4) Repair of sidewalks and driveways using the same type and color of materials.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

**(i) Signs and billboards.**

**(1) General provisions.**

All signage within the River Walk area or on property in the River Walk area shall conform to all city codes and must have approval of the Historic and Design Review Commission prior to installation. Permits must be obtained following the Historic and Design Review Commission's approval of a certificate of appropriateness and recommendation to the director of planning.

**(2) Character of signs.**

Signs should respect and respond to the character of the River Walk area. The display of signs and other graphics along the River Walk shall not be permitted except as provided for in this article. This prohibition specifically includes billboards, credit card decals, menus, except as indicated in subsection (d)(5) below, and other signs of a miscellaneous character.

**(3) Billboards.**

No billboards, junior billboards, portable signs, and advertising benches shall be allowed in the River Walk area. Any sign, visual display, or graphic which is located in the River Walk area and which is visible from the publicly owned portion of the San Antonio River channel or adjacent walkways must meet the requirements for signs, visual displays, and graphics as set out in this division. No sign, visual display or graphic shall be allowed in the River Walk area unless it is advertising or giving information concerning a business or activity that is located on the same lot as the sign, visual display or graphic.

**(4) Standards for signage.**

- A. Proportion. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.
- B. Size. The maximum allowable size for any sign in the River Walk area and visible from the River Walk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet.
- C. For buildings located on the River Walk area whose facades front on streets or space other than the River Walk, the total area of signage and number of signs for those facades shall conform to the standards required for the Historic Overlay District (see [§ 35-612](#)).
- D. Roof top/parapet signs. No signs shall be displayed from the parapet or roof of any building along the San Antonio River Walk.
- E. Signs for River Walk business only. No sign, visual display, or graphic shall be placed in the River Walk area unless the sign relates to the River Walk area or advertises a bona fide business conducted in, or on premises adjacent to the River Walk area. Only those businesses which have an entrance directly onto the River Walk may display a sign or graphic.

- F. Number of signs. Only one sign shall be allowed for each store, shop, restaurant, nightclub, or place of business in the River Walk Area and fronting on the River Walk. In addition to a sign, establishments serving food or beverages may erect a menu board, which shall be used only for displaying menus.
- G. Menu boards. There may be no more than one menu board per establishment. To be eligible to display a menu board, an establishment must derive seventy-five (75) percent or more of its gross revenue from the sale of food or beverages. Overall maximum size for a menu board is three hundred sixty (360) square inches. The name of the restaurant/nightclub may not be displayed on the menu board if business has another sign installed on premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.
- H. Signage on umbrellas. Advertising brand name products may not be placed on umbrellas which are located on outdoor patio areas. Nor may logos or wording of any kind be placed on umbrellas.
- I. Directory signage. Buildings with several businesses may be permitted to install directory signage in lieu of individual signs.
- J. Revolving signs and attention-getting devices. No revolving signs or attention-getting devices will be permitted.
- K. Illumination. Signs may be illuminated as prescribed herein. The face of an illuminated sign shall be standard opaque glass or other substance of equal or smaller light transmission factor. Flashing lights and exterior neon lights are prohibited. The light source for exterior illumination shall be steady light concealed by a hood or other acceptable method of indirect lighting as approved by the Historic and Design Review Commission and the historic preservation officer.
- L. Temporary signage. Temporary signage may be permitted with prior approval of the historic preservation officer and the Historic and Design Review Commission. Temporary is understood to mean less than thirty (30) days and shall apply to real estate signage, construction signage, and special event signage. Permanent signage shall meet all stipulations, as applicable, of this article.
- M. Real estate signage. Real estate signs shall meet the following standards:
- Maximum size shall be four (4) square feet.
  - The sign should contain the following: (a) Purpose: Such as "For Lease," "For Sale," "For Information," or "Available"; (b) Telephone number; (c) Name or logo of real estate broker or property owner (optional).
  - Maximum allowable size for each of the above three (3) components is four (4) inches high.
  - An empty space (or border) of a minimum of two (2) inches is required on the perimeter of each side of the sign. Also, a minimum of two (2) inches should exist between each of the components of the sign.
  - Only two (2) colors will be allowed on the sign.

- Only one sign will be permitted for each building for sale or lease which is adjacent to the River Walk. The sign is permitted to remain only while that particular building is for sale or the lease space is available.
  - Certificates will not be required for real estate signage which follows the above guidelines. However, a permit from the department of building inspections is still required. Any variations from these standards must follow the procedures set forth in this article.
- N. Construction signs. Construction signs shall be a maximum of eight (8) square feet and shall use only three colors. Only one sign will be permitted per construction project. The sign will be permitted to remain in place for a maximum of ninety (90) days. The Historic and Design Review Commission will consider a time extension if necessary.
- O. Signs on barges. Only one Historic and Design Review Commission-approved symbol, logo, or sign may be temporarily placed on chartered barges for special events.

**(j) Portable carts.**

Portable vending carts may be located on leased public property or private property on the River Walk with approval from the historic and design review commission. Applications for a certificate of appropriateness must include details regarding type of cart, items to be sold, method of controlling litter, location, and other pertinent information.

**(k) Boats, barges and water taxis.**

Any and all private boats, barges, and water taxis allowed to operate on the San Antonio River on a permanent basis will require a certificate of appropriateness from the Historic and Design Review Commission. Details regarding the size and design, type of power sources, and other pertinent information shall be presented to the Historic and Design Review Commission for their review.

## **35-347 Business Park District (“BP”)**

**(a) Locational Criteria**

A Business Park District may be located adjacent to any Freeway, Arterial, Principal Arterial or non-residential Collector Street.

**(b) Development Standards**

All uses and Development Activities within a Business Park District shall conform to the regulations for an Office or Institutional Campus, § 35-205, excluding § 35-205(j)(Parks and Open Space Standards). (Applicants electing to seek approval of an Office or Institutional Campus Use Pattern shall be subject to § 35-205(j).)

**35-348 Entertainment District (“ED”)**

*An entertainment district must have within its boundaries as a primary use a theme park or destination resort that is developed as a regional tourist entertainment facility. This district is designed to protect and encourage the creation and development of commercial recreation, tourist, vacation, hospitality, entertainment, sports and leisure facilities and complexes, together with complementary and accessory support facilities, operations and services that are associated with the tourist, hospitality and entertainment industries. The district is specifically created in order to classify such commercial recreation, entertainment and related uses in a distinct zoning category that expressly encompasses such uses, as opposed to the other business districts which do not specifically embody such uses. It is a flexible zoning classification that is intended to allow for a broad range of uses that will create a controlled, favorable environment for the development of diverse commercial entertainment and amusement activities, including by way of example, theme parks, destination resorts, tourist attractions, and other recreation and leisure facilities. Such flexibility permits and encourages an appropriate balancing of land uses that promotes the development of adequate support facilities and services.*

**(a) Permitted uses.****(1) This district shall permit:**

- A. Commercial entertainment, amusement, recreation and show parks or complexes that are developed as regional visitor tourist attractions and that are organized around a central theme or themes, such as, by way of example, music attractions, marine life attractions, water attractions, amusement rides and attractions, or tours and exhibitions. Such parks and complexes may include the following facilities: Indoor theaters, concert and entertainment facilities, rehearsal and production facilities, open air theaters, water attractions, amphitheaters, grandstand facilities, marine life facilities, guest attractions, rides, water activity areas, merchandise buildings and facilities (indoor and outdoor), playground facilities, arboretums and botanical gardens, food and beverage buildings and facilities (indoor and outdoor), games, arcades, picnic areas and grounds, parking areas, service buildings, administration and operations facilities, main entrance buildings and facilities, security facilities, first aid facilities, wardrobe and locker facilities, and other similar facilities, attractions and activities. Such parks and complexes may also include all related accessory uses, buildings, structures and facilities that are necessary or incidental to the operation of such parks and complexes, including maintenance and fabrication facilities; food, beverage, and ice production preparation; storage and distribution facilities; wardrobe production and assembly facilities; laundry and cleaning facilities; maintenance facilities; salt water production and manufacturing facilities and related filtering, pipe, and plumbing infrastructure; warehouses, open sided shelters, and outdoor storage facilities; craft shops; bakeries; horse stables and equestrian centers; kennels, animal shelter and care facilities, and veterinary medicine facilities; and similar accessory uses and functions.
- B. Destination resorts.
- C. Outdoor amusement and recreation facilities, including but not limited to, golf courses (including customary clubhouses and appurtenant facilities), miniature golf courses, golf



driving ranges, picnic areas, parks and playgrounds, bicycle and motor scooter rental facilities outdoor festivals, hiking trails, swimming pools, equestrian trails, and sports facilities and stadiums.

- D. Indoor amusement and recreational facilities, including but not limited to, bowling alleys, arcades, skating rinks, commercial recreation clubs and facilities, health and exercise oriented facilities, and theaters.
- E. Convention and meeting facilities.
- F. Concert and entertainment facilities and rehearsal and production facilities related thereto.
- G. Television, film and radio studios; recording and production facilities; talent booking and entertainment management facilities; and all related services and activities.
- H. Hotel facilities or complexes, including integrated and complementary recreational and commercial uses and facilities; timeshares; and other lodging facilities such as motels, motor inns, motor hotels, including associated accessory uses.
- I. Campgrounds and recreational vehicle parks, including integrated and complementary recreational and commercial uses and facilities.
- J. Business establishments selling merchandise, food, and beverages.
- K. Personal service establishments, including, but not limited to, barber shops, beauty salons, car rental agencies, kennels, travel agencies, and day care facilities.
- L. Business, financial, governmental, medical, and professional offices, agencies and studios.
- M. Food service and beverage facilities, catering facilities, and related activities, including the sale of alcoholic beverages for on or off premises consumption.
- N. Warehousing and wholesale distribution of foods, wares, and merchandise related to the primary use.
- O. Transportation facilities, including bus, railroad and taxi stations and facilities; tour and travel operations and facilities (including local sightseeing and destination travel services); parking facilities; tram, monorail, skywalk and moving sidewalk facilities; and other people moving facilities.
- P. Religious, cultural, educational, governmental, and social facilities, including but not limited to churches, museums, libraries, auditoriums, and tourist information centers.
- Q. Uses permitted in the MF, NC, C-1, C-2, or C-3 districts.

**(b) Height and yard requirements**



- (1) **Height.** The height of buildings and other improvements shall not exceed fifty (50) feet at the required perimeter Setbacks as specified by subsection (b). The height of buildings and other improvements may be increased two (2) feet for each one (1) foot they are Setback beyond the required perimeter Setback.
- (2) **Setbacks.** No building or other structure, except streets, walks, and parking facilities, shall be erected within the following Setbacks lines measured along the perimeter of an entertainment district.
  - A. Forty-five (45) feet from any perimeter abutting a developed residential area.
  - B. Twenty-five (25) feet from any perimeter abutting an undeveloped or nonresidential area.
  - C. Internal to this district there are no Setback requirements.

**(c) *Parking and security lighting.***

Parking and security lighting facilities shall be arranged so that the source of light is deflected away from and not directed toward any existing residences abutting the district.

### **35-349 Sand and Gravel District (“SGD”)**

*A sand and gravel district (SGD) is a special zoning district permitting the operation of a sand or gravel extraction operation where soil, sand, gravel, and clay may be removed for commercial use on or off the property and those additional uses specifically noted in the following section, such as concrete and asphalt production (with city council approval required within the ERZD) and other uses. A SGD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract or process soil, sand, gravel or clay. This district is designed to protect the environmental character of a site and to promote compatible development with adjacent land uses and future redevelopment of the site. SGD is zoning classification that is intended to create a controlled environment for materials extraction and processing related directly to sand or gravel pits.*

**(a) *Permitted uses.***

Within a SGD only those uses directly related to the operation of the material extraction process shall be permitted. Such related uses are limited to the extraction, processing, storage, production of finished products, and shipment of such materials and products from within the property and are specifically limited to the following:

- (1) Testing for, or extraction of, raw materials such as sand, soil, clay, gravel, or other similar materials that are mined or removed without the use of blasting or explosives.

- (2) The processing and handling of extracted materials including, but not limited to, loading, screening, washing, sorting, stockpiling, and distribution by rolling equipment or conveyor systems.
- (3) Production of materials and finished products through processing plants, including, but not limited to, concrete, bulk or bagged sand, soil, clay and/or gravel.
- (4) Warehousing and storage of bulk or bagged sand, soil, clay, cement and/or gravel as well as exterior storage of sand, soil, clay and gravel in bulk form.
- (5) Laboratory, weighing, and testing facilities for conducting test and chemical analysis of materials.
- (6) The administrative activities associated with such uses including, but not limited to, offices and associated uses.
- (7) Outdoor storage of materials, equipment, spare parts and supplies.
- (8) Above ground fuel storage that meets all applicable government regulations.
- (9) Transportation related uses and facilities including, but not limited to the use of trucking and railroad vehicles for transporting materials and product, to and from the SGD. This would include maintenance, repair, and storage of the equipment and vehicles utilized by the sand or gravel pit operator.
- (10) A preexisting sand or gravel pit in legal operation located in a temporary post-annexation zoning district, or an RE residential zoning district or in an I-1 or I-2 industrial zoning district, may continue after the adoption of these regulations or after the rezoning of the property on which the operation is located to SGD.

**(b) Operating standards.**

It is the intent of these regulations to allow the existence of sand, soil, clay and/or gravel extraction and processing in a manner which is sensitive to surrounding land uses and cognizant of the concerns of neighborhood and environmental interest with respect to protecting water quality, quality of life and ensuring protection of the environment. As such, the following operating standards are established to allow sand or gravel pit operations located within a SGD to be carried out in a manner that is compatible with surrounding land uses. All extraction, processing, and related operations performed in a SGD shall be done and shall operate in conformance with the standards set forth in each applicable subsection below.

- (1) Frontage requirements. All property within a SGD shall have a minimum of sixty (60) feet of frontage on at least one (1) adjacent public right-of-way or recorded easement at least sixty (60) feet in width, which provides ingress or egress to public roads. Regardless of the frontage provided onto public roads a SGD shall comply with the provision of subsection (7), clear vision and queuing, below.
- (2) Natural buffer. A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within

fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way except as required for establishing fencing and berming as provided for herein and for permitting an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.

- (3) Screening requirements. Notwithstanding subsection (2) above, greater visual screening shall be required at any point where the extraction is located within one hundred (100) feet of a public right-of-way carrying pedestrian or vehicular traffic. In such areas, the visual screen shall not be less than six (6) feet in height at or near the property line and shall be made up of any combination of the following materials: existing native plant materials, supplementary plant materials, existing grading, berming, and/or fencing.
- (4) Fencing requirements. A fence shall be provided around the perimeter of the property or not less than twenty-five (25) feet from the outer edge of any excavation that is ten (10) feet or greater in depth.
- (5) Excavation Setbacks. No excavation or extraction of material (other than is required for the installation and maintenance of fences, landscape screen, access points, crossings, or clear vision zones at entry points) shall be permitted closer than fifty-five (55) feet from the property line of the SGD district or closer than fifty-five (55) feet from any public right-of-way, unless and except for any point at which the operations cross said public right-of-way. Due to the unique nature of sand and gravel operations and their related operations, article VI of this chapter shall not apply within a SGD.
- (6) Facility Setbacks. For individual or grouped SGD districts greater than ten (10) acres in size, all facilities for the production of excavated and processed products shall be located at least one hundred (100) feet from the property line of any adjoining property that is developed and/or zoned for residential uses at the time the facilities are constructed or installed, and at least fifty-five (55) feet from any public right-of-way on which pedestrian or vehicular access is allowed except for at points of crossing said right-of-way. Such crossing shall not exceed the width limitations established by the governmental authority having jurisdiction over the applicable right of way.
- (7) Clear vision and queuing requirements. For individual or grouped SGD districts greater than ten (10) acres in size, a triangular clear vision zone shall be provided on the subject property at the intersection of all access points with public roads to provide an area of clear vision of vehicles. The zone shall be defined by a triangle consisting of three hundred (300) feet parallel with the public road and fifty (50) feet along the access road or drive measured from the intersection point of the two (2) rights-of-way. A queuing area accommodating four (4) trucks of no less than twenty-four hundred (2,400) square feet shall be provided between the edge of the public right-of-way and the access point or gate station, which ever is nearest the public right-of-way.
- (8) Pit walls and slopes. All walls of the pit or excavated areas shall be maintained in compliance with applicable state and federal safety requirements.
- (9) Floodplain protection. No building may be placed or excavation be conducted within one hundred fifty (150) feet from the outer limit of a 100-year floodplain. All NPDES and TNRCC requirements must be met any time the sand or gravel pit operations come within one hundred fifty (150) feet of a 100-year floodplain to prohibit silt or sediment from entering the creek or

stream. These restrictions will not apply in any case where the floodplain is located more than one hundred fifty (150) feet inside the property line of the SGD. The buffer required by this provision shall in no case be wider than one hundred fifty (150) feet from the boundary line of the SGD.

- (10) Water quality protection. Operations within a SGD shall comply with all applicable water quality standards set forth in chapter 34 of this Code.
- (11) Industrial waste monitoring. Upon request of the city fire department and/or city public works environmental, any person operating an activity within a SGD shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the SGD. Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.
- (12) Material safety data. Upon request of the city fire department, independent of the Federal Emergency Planning and Community Right to Know Act, (EPCRA) any person operating an activity within a SGD shall provide copies of material safety data sheets (MSDS) for material maintained, stored, or used within the SGD. The materials, subject of this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or hazardous property allow them to be listed in the North American Emergency Response Guidebook, current edition and as amended.

**(c) *Identification of boundaries and surrounding uses/ERZD environmental assessment report.***

- (1) Within twenty (20) days prior to the submission of a zoning case to the zoning commission for obtaining SGD zoning on a property, a boundary map and metes and bounds description shall be provided by the applicant showing the outer perimeter line of the property that is owned, leased, under contract, or optioned by the operator and which the operation is to utilize. This boundary description and drawing shall be submitted to the city planning department and shall be considered the official boundary description on which the SGD will be established and within which the permitted uses allowed in the district will be allowed. All set backs and distance requirements shall be measured from the boundary lines identified on the boundary map provided under this section. If the applicant is not the owner of the property the applicant shall provide written authorization to act as agent on behalf of the owner in a form acceptable to the city attorney.
- (2) An application for rezoning to an SGD zoning designation shall include an Environmental Assessment Report as required by §35-471 when the subject property is within the Edwards Recharge Overlay Zoning District (ERZD). This requirement pertains to assessment of environmental impact by the city water system.

**(d) *Site plan requirements.***

If an application for zoning as a SGD is submitted for a site greater than ten (10) acres in size a site plan shall be submitted at the time any property owner initiates a zoning case by filing a zoning application requesting the establishment of a SGD. The site plan shall be submitted to the planning department and shall graphically depict, generally to scale, the location and size of all then existing permanent and affixed structures, buildings, and facilities, and the location of any proposed facilities or buildings (if

known), in relation to the boundaries of the property. The site plan shall also illustrate the location of all then existing access points and their relationship to adjoining or crossing major thoroughfares. The information required by this section may be incorporated into the boundary map required by subsection (c) hereto and an aerial photo may be used as the base document for the site plan.

If requested by SAWS for consideration of a SGD zoning application within the ERZD, the applicant shall provide SAWS with a site plan, regardless of size of the area that has been requested to be zoned, if this information is necessary to perform the review required by § 35-471 of this Code.

**(e) Signs.**

Signs surrounding or within SGD may be used to provide the following:

- (1) To identify the extraction or manufacturing operation;
- (2) To inform customers of the facility with respect to access points and the existence of the facility;
- (3) To identify the occupants or operations within a specific building or area of the district; and
- (4) To provide directional, safety, and other information to the general public, occupants, employees, patrons, and visitors to the district.
- (5) Signs within a SGD shall be in conformity with chapter 28 of this Code (Signs and Billboards) to the extent those regulations apply. Signs shall be posted at all exit points from a permitted district QD to a public road that reminds truckers that their loads must be covered in accordance with city and state regulations that impose fines if violated.

**(f) Blasting.**

No blasting or use of any explosive shall be permitted within a SGD.

**(g) Asphaltic concrete production--Special use.**

No asphaltic concrete production plants or storage of asphalt materials may be utilized within a SGD that is located in the ERZD, unless specific city council approval (CC) for such activity is granted for the SGD. If such approval is granted, asphaltic concrete production may occur within the area(s) of a SGD located within the ERZD for which such CC approval is given provided such use complies with the applicable requirements of the TNRCC, the EPA, and of this chapter.

**(h) Existing uses allowed.**

Any use such as, but not limited to, livestock grazing, ranching operations, residential structures, barns, offices, etc. that are in existence, allowed by lease, or that are otherwise nonconforming under Article 7, Division 1, of this chapter at the time the SGD is established on the sand or gravel pit(s) and reserve property may continue.

## **35-350 Quarry District (“QD”)**

*The quarry district (QD) is a special zoning district intended to allow for a quarry and related uses for the extraction of limestone and other raw materials and the processing of those materials into finished products. A QD must have within its boundaries, as a primary use, a material extraction and materials processing operation that is designed to extract limestone or any other similar materials which are mined on the property and/or which are processed on the property subsequent to mining. This district is designed to protect the environment and promote compatible land use relationships with adjoining properties and to allow for the safe development of commercial quarrying, cement, concrete products and lime manufacturing, and related industries, together with accessory support facilities that relate directly to the on-site quarrying, processing, and manufacturing operations. The district is specifically created in order to classify such materials extraction, processing and related uses in a district zoning category that expressly encompasses such uses, as opposed to the other ordinary districts within the permitted uses table, which do not specifically embody, collectively, such uses. QD is a zoning classification that is intended to allow for a broad range of directly related uses that would create a controlled environment for the development of diverse material extraction and processing activities, including by way of example but not limited to, mining, blasting, extraction, processing, handling, crushing, washing, screening, sorting, stockpiling, and the production, packaging, distribution, and transportation of: aggregate, ready-mix concrete, asphaltic concrete (with city council approval required within the ERZD), quicklime and hydrated lime, cement, concrete, precast and prestressed concrete products, Portland cement, concrete pipe, concrete blocks, and other concrete products within the district, including activities required for the support of such directly related operations, including but not limited to vehicle and rail maintenance and repair facilities, office and dispatch facilities, outdoor storage of materials, and other operations incidental to quarry operations.*

### **(a) Applicability**

QD use regulations and operating standards set forth in this subdivision shall apply to all quarry and related processing uses within a QD district.

### **(b) Permitted uses.**

Within the district no building, structure, or land shall be used for any purpose other than the following, or any combination thereof, provided that such uses take place within the site specific boundaries of the district designated as QD, or on which said activities are otherwise permitted by law, in accordance with the operating standards for this zoning district:

- (1) Testing for or extraction of raw materials such as limestone or other similar materials that are mined or removed without the use of blasting or explosives (or using blasting or explosives if approved under subsection (g) hereto).
- (2) The processing and handling of extracted materials including, but not limited to, loading, crushing, screening, washing, sorting, stockpiling, and distribution by rolling equipment or conveyor systems.
- (3) Production of materials and finished product through processing plants, including but not limited to cement plants, lime plants, ready-mix concrete plants, concrete batch plants, asphaltic

concrete plants, pug mills and production facilities for precast and prestressed concrete, concrete blocks, packaged cement, packaged concrete, and concrete pipe.

- (4) Warehousing and distribution facilities for finished products and raw materials such as mined aggregate, raw cement in various stages of production (i.e., cement powder, clinker, gypsum, etc.).
- (5) Laboratory, weighing, and testing facilities for conducting tests and chemical analyses of materials.
- (6) The administrative activities associated with such uses including, but not limited to, offices and associated uses.
- (7) Outdoor storage of materials, equipment, spare parts and supplies.
- (8) Transportation related uses including, but not limited to the use of equipment, and trucking and railroad vehicles for transporting quarry materials and product to and from the particular site(s). This would include maintenance, repair, and storage of the equipment, and trucking and/or railroad vehicles utilized by the operator of the QD.
- (9) Above ground fuel storage that meets all applicable government regulations.
- (10) A preexisting quarry use in legal operation located in the RP or RE zoning districts or in an I-1 or I-2 industrial zoning districts may continue after the adoption of these regulations or after the rezoning of property to QD.
- (11) Rail, vehicle and equipment maintenance facilities.

**(c) *Operating standards.***

It is the intent of these regulations to allow the existence of quarrying and processing operations which are sensitive to surrounding land uses and cognizant of the concerns of neighborhood interest and environmental interest with respect to protecting quality of life and ensuring protection of the environment. As such, the following operating standards are established to allow the quarry and processing operations to be carried out in a manner that is as compatible as possible with the surrounding land uses. All quarrying, processing, and related operations that are not the subject of nonconforming rights and that are performed in a quarry district (QD) shall be done and shall operate in conformance with the standards set forth in each applicable subsection below.

**(1) *Frontage requirements.***

All property within a QD shall have a minimum of sixty (60) feet of frontage on an adjacent public right-of-way or recorded easement, at least sixty (60) feet in width, which provides ingress or egress to public roads. Regardless of the frontage provided onto a public road a district shall comply with the provision of subsection (7), Clear vision and queuing, below.

**(2) *Natural buffer.***



A natural area shall be maintained around the perimeter of the property within the district and no grading, removal, or disturbance of native plant material shall be allowed within fifty-five (55) feet of any perimeter property line of the property within the district or public right-of-way, except as required for establishing required berms and fencing and for an eighteen-foot-wide access road for the purpose of establishing and maintaining fencing, landscaping, access and/or security patrol.

**(3) Screening requirements.**

Notwithstanding subsection (2) above, visual screening shall be required at any point where the active quarry pit is located within one hundred (100) feet of a public right-of-way carrying pedestrian or vehicular traffic. The visual screen in such areas shall not be less than six (6) feet in height at or near the property line and shall be made up of any combination of the following materials: existing native plant materials, supplementary plant materials, existing grading, berming, and/or fencing.

**(4) Fencing requirements.**

A fence shall be provided around the perimeter of the property or not less than twenty-five (25) feet from the outer edge of any excavation that is ten (10) feet or greater in depth.

**(5) Excavation Setbacks.**

No excavation or extraction of material, other than is required for the installation and maintenance of fences, landscape screen, access points, crossings, or clear vision zones at entry points, shall be permitted closer than fifty-five (55) feet from the property line of any property adjoining the property located in the district that has been zoned for single-family residential use at the time such excavation or extraction has begun, or closer than fifty-five (55) feet from any public right-of-way, unless and except for any point at which a quarry or quarrying operations cross said public right-of-way. Such crossing shall not exceed the width limitations established by the governmental authority having jurisdiction of the applicable right-of-way. Due to the unique nature of quarries and their related operations, article 5, Division 3 of this chapter shall not apply within a QD.

**(6) Facility Setbacks.**

All facilities for the production of finished products that are made from excavated materials (i.e., ready-mix concrete batch plants, lime plants, cement plants, concrete block plants, cement packaging plants, precast and prestressed yards, concrete pipe plants, and other similar facilities), which are constructed or installed after the effective date of this section, shall be located at least one hundred (100) feet from the property line of any adjoining property that is developed and/or zoned for residential uses at the time the facilities are constructed or installed, and at least fifty-five (55) feet from any public right-of-way on which pedestrian or vehicular access is allowed except for at points of crossing said right-of-way.

**(7) Clear vision and queuing requirements.**

A triangular clear vision zone shall be provided at the intersection of all access points with public roads to provide an area of clear vision for vehicles. The zone shall be defined by a triangle consisting of three hundred (300) feet parallel with the public road and fifty (50) feet along the access road or drive measured from the intersection point of the two right-of-ways. A queuing area sufficient to accommodate four (4) or more trucks of no less than two thousand four hundred (2,400) square feet shall be provided



between the edge of the public right-of-way and the access point or gate station, which ever is nearest the public right-of-way.

**(8) Floodplain protection.**

No building may be placed or excavation be conducted within one hundred fifty (150) feet from the outer limit of a 100-year floodplain. All NPDES and TNRCC requirements must be met any time the quarry operations come within one hundred fifty (150) feet of a 100-year floodplain to prohibit silt or sediment from entering the creek or stream. These restrictions will not apply in any case where the floodplain is located more than one hundred fifty (150) feet inside the property line of the QD. The buffer required by this provision shall in no case be wider than one hundred fifty (150) feet from the boundary line of the QD.

**(9) Water quality protection.**

Operations within a QD shall comply with applicable water quality standards set forth in chapter 34 of this Code.

**(10) Industrial waste monitoring.**

Upon request of the city fire department and/or city public works environmental, any person operating an activity within a QD shall provide, to the requesting agency's satisfaction, documentation evidencing the characterization, handling, and disposal of any industrial waste generated within the QD. Documentation which will satisfy the characterization inquiry includes process knowledge literature and/or waste analysis records.

**(11) Material safety data.**

Upon request of the city fire department, independent of the Federal Emergency Planning and Community Right to Know Act (EPCRA), any person operating an activity within a QD shall provide copies of material safety data sheets (MSDS) for material maintained, stored, or used within the QD. The materials, subject of this section, are those materials whose properties for volatility, flammability, explosive potential, corrosiveness, radioactivity, or other toxic or hazardous property allow them to be listed in the North American Emergency Response Guidebook, current edition and as amended.

**(12) Blasting Setback.**

Blasting shall not be allowed within three hundred (300) feet of a residential structure under construction or completed at the time the QD is established. This requirement shall not apply in any case were the owner of such a residential structure has consented in writing to blasting occurring within less than three hundred (300) feet of the structure.

**(d) Identification of boundaries and surrounding uses/ERZD environmental assessment report.**

- (1) Prior to the submission of a zoning case to the zoning commission for obtaining QD zoning on a property, a boundary map and metes and bounds description shall be provided by the applicant showing the outer perimeter line of the property that is owned, leased, under contract, or optioned by the operator and which the operation is to utilize. This boundary description and

drawing shall be submitted to the city planning department and shall be considered the official boundary description on which the QD will be established and within which the permitted uses allowed in QD will be allowed. All Setbacks and distance requirements shall be measured from the boundary lines identified on the boundary map provided under this section. If the applicant is not the owner of the property the applicant shall provide written authorization to act as agent on behalf of the owner, in a form acceptable to the city attorney.

- (2) Additional site information shall be made available by the applicant upon request by SAWS when such information is found to be necessary to perform the environmental assessment required by §35-471.
- (3) Given the unique nature of quarries and quarrying operations, the city hereby adopts the policy that all residential lots within a subdivision plat located one thousand five hundred (1,500) feet or less from a QD at the time of platting, be required to have a notation stating that a permitted QD is located within one thousand five hundred (1,500) feet of the given lot. The distance shall be calculated as the shortest straight line from the closest point on the lot's property line to the closest point on the permitted quarry district boundary.
- (4) The processing of an application for a QD zoning designation shall comport with requirements of §35-471 of this Code when the subject property is within the Edwards Recharge Overlay Zoning District, "ERZD." This requirement pertains to assessment of environmental impact by the city water system.

**(e) Site plan requirements.**

A site plan shall be submitted at the time any property owner initiates a zoning case by filing a zoning application requesting the establishment of a QD. The site plan shall be submitted to the city planning department and shall graphically depict, generally to scale, the location and size of all permanent and affixed structures, buildings, and facilities in existence at the time of submission, and the location of any proposed facilities of buildings (if known), in relation to the boundaries of the property. The site plan shall also illustrate the location of all access points and their relationship to adjoining or crossing major thoroughfares. The information required by this section may be incorporated into the boundary map required by subsection (d), and an aerial photo may be used as the base document for the site plan.

**(f) Signs.**

Signs surrounding or within a QD may be to provide the following:

- (1) To identify the quarrying or manufacturing operations located within the district;
- (2) To inform customers of the quarry facility with respect to access points and the existence of the facility;
- (3) To identify the occupants or operations within a specific building or area of the district; and
- (4) To provide directional, safety, and other information to the general public, occupants, employees, patrons, and visitors to the district.

- (5) Signs within a district shall be in conformity with chapter 28 of this Code (Signs and Billboards) to the extent those regulations apply. Signs shall be posted at all exit points from a permitted QD to a public road that reminds truckers that their loads must be covered in accordance with city and state regulations that impose fines if violated.

**(g) *Special use--Blasting.***

No blasting or use of explosives shall be permitted within a QD established after December 31, 1998, unless a Specific Use Permit for such activity is granted for the QD. If such approval is granted, blasting may be used within the boundaries of the QD provided such use complies with the applicable requirements of the Uniform Fire Code (UFC), as amended and adopted by the city council, and with chapter 16 of this Code.

**(h) *Special use--Asphaltic concrete production.***

No asphaltic concrete production plants or storage of asphalt materials may be utilized within a QD located in the ERZD unless a Specific Use Permit for such activity is granted for the QD. If such approval is granted, asphaltic concrete production may occur within the area(s) of the QD for which such approval is given provided such use complies with the applicable requirements of the TNRCC, the EPA, and of this chapter.

**(i) *Reuse of QD after termination concept.***

After the quarry and related uses have terminated within a QD, the property shall not be redeveloped for any purpose until a beneficial reuse concept plan (BRCP) has been prepared and submitted in accordance with the regulations of chapter 16 of this Code and a new permanent base zoning district (i.e., R-6, R-20) has been applied for and received through the required public process including, at a minimum, one (1) or more public hearings before the zoning commission and the city council. At the time the application for rezoning the property for the new permit base zoning district is submitted, SAWS shall file as part of the zoning case a report reflecting the results from the inspections made by SAWS of the property being rezoned. The SAWS report shall also indicate whether the quarry operation is in apparent compliance with all of its state and federal environmental permits.

**(j) *Existing uses allowed.***

Any use such as, but not limited to, livestock grazing, ranching operations, residential structures barns, offices, etc. that are in existence, allowed by lease, or that are otherwise nonconforming under article III, division 4 of this chapter at the time QD is established on the quarry and reserve property may continue.

## **35-351 *Military Reservation District ("MR")***

*These districts are used to designate federal and state military reservations within the city limits of San Antonio. In accordance with Vernon's Texas Codes Annotated, Local Government Code Section 211.013, the city's zoning regulations do not apply to buildings, other structures, or land under the control, administration, or jurisdiction of a state or federal agency and uses within these districts are regulated solely by the responsible federal or state agency. In the event any land within this classification*

*is sold, released, or otherwise conveyed to private ownership, the zoning commission shall institute proceedings on its own motion to appropriately rezone the land in harmony with the intent of this chapter according to the rules and regulations established herein for changes in zoning classifications.*

### **35-352      Development Reserve (“DR”)**

#### **(a)      Purpose**

The purpose of the Development Reserve (“DR”) zoning district is to provide a temporary zoning classification for newly-annexed property. While use restrictions are imposed pursuant to the “DR” district:

- (1) it is recognized that the annexed property may be compatible for a use permitted in any zoning district; and
- (2) it is the policy of the City to rezone the property to an appropriate zoning classification as soon as practicable.

#### **(b)      Development Restrictions within “DR” Zoning Districts**

- (1) Uses permitted within a “DR” zoning district shall be the uses permitted in the “R-6” zoning district unless and until the property is rezoned to another zoning district.
- (2) The development standards applicable to a “DR” zoning district shall be the those required within the “R-6” zoning district unless and until the property is rezoned to another zoning district.

### **35-353      Neighborhood Preservation (“NP”) Districts**

#### **(a)      Purpose**

*The Neighborhood Preservation Districts are designed to protect existing platted subdivisions which are substantially developed with single-family detached dwelling units. It is the policy of the City that these districts will be applied only to platted subdivisions which are recorded as of the effective date of this Chapter, in order to prevent such subdivisions from being further subdivided in a manner in order to avoid congestion in the streets, prevent safety hazards, protect the health and general welfare of subdivision residents, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of public facilities. The “NP” districts are not appropriate for the downzoning of unsubdivided parcels or tracts.*

#### **(b)      Establishment**

The following “NP” districts are hereby established and referred to collectively herein as “NP” districts:

NP-8  
NP-10

NP-15

**(c) Permitted Uses**

The uses permitted within an “NP” district are the same as the uses permitted within an “R-6” district.

**(d) Dimensional Regulations**

The setback and height regulations for uses and structures within an “NP” district shall be as follows:

(A) Zoning District	(B) Minimum Lot Size Conventional	(C) Maximum Density	(D) Minimum Frontage	(E) Minimum Lot Width	(F) Maximum Lot Width	(G) Maximum Building Height	(H) Minimum Front Setback	(I) Maximum Front Setback	(J) Minimum Side Setback	(K) Minimum Rear Setback
NP-15	15,000	3	55	75	—	35ft/2-½ stories	10	—	5	30
NP-10	10,000	4	45	65	—	35ft/2-½ stories	10	—	5	20
NP-8	8,000	5	40	60	150	35ft/2-½ stories	10	—	5	20

**(e) Nonconforming Lots**

The rezoning of an existing subdivision to an “NP” district may at times result in lots which do not conform to the new zoning district lot sizes. In such cases, a single-family detached dwelling, and any uses accessory thereto, shall be permitted as provided in § 35-702(c) of this Chapter.

**35-354 Manufactured Housing (“MH”) District****(a) Purpose**

The “MH” districts are composed of areas suitable for manufactured homes and compatible uses. The districts are intended to provide suitable locations for HUD-code manufactured homes on individual lots as well as for manufactured home parks. The district regulations are designed to provide adequate protection both for the manufactured homes and for the surrounding development.

**(b) Permitted Uses**

The permitted uses within an “MH” district shall be those uses permitted in an “R-6” district, and manufactured homes and manufactured home parks.

**(c) Manufactured Homes on Individual Lots**

- (1) HUD-code manufacture homes may be located on individual lots outside of a manufactured home park provided they are permanently installed and limited to one home per lot. In addition they shall be subject to the following standards which are designed to ensure acceptable

compatibility in exterior appearance between HUD-code manufactured homes and site built dwellings that have been or may be constructed in adjacent or nearby locations.

- (2) HUD-code manufactured homes shall be permanently affixed to a foundation with a visible foundation system and skirting acceptably similar in appearance to foundations of site built residences. The foundation shall form a complete enclosure under exterior walls. Wheels and axles shall be removed. All units must also have covered front and rear entries, and site built steps and porches.
- (3) The minimum width of a HUD-code manufactured home, excluding any attendant structures or additions assembled on the site, shall be twenty (20) feet.
- (4) Each HUD-code manufactured home shall have a sloping roof with eave projections of at least six (6) inches, constructed with material generally acceptable for site built housing. The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run.
- (5) Any materials that are generally acceptable for site built housing may be used for exterior finish if applied in such a manner as to be similar in appearance, provided, however, that reflection from such exterior shall not be greater than from siding coated with clean, white, semigloss enamel paint.

**(d) Dimensional Regulations**

The dimensional regulations for an "MH" district are the same as those applicable to an "R-4" district (see § 35-310 of this Article).

**35-353 to 35-359 Reserved**

## DIVISION 6 FLEXIBLE ZONING

*Purpose: The Master Plan contains numerous provisions encouraging the protection of natural resources and the provision of parks and open space. The City can protect natural resources and require open space pursuant to its police powers. However, there are instances where it is in the best interests of the private landowner and the City to exceed the minimum requirements of this Chapter. In such instances, the City's interests in restricting density or imposing certain regulatory requirements can be offset by increases in open space, natural resources, or the provision of affordable housing or certain amenities. Further, the system provides incentives to landowners while preserving the overall integrity of the Master Plan by providing uniform rules of general application for density increases. This system provides regulatory incentives while ensuring that regulatory modifications are not made solely and exclusively for the private benefit of the landowner.*

*The provisions of this Division implement the following provisions of the Master Plan:*

- *Growth Management, Policy 1b: Develop ordinance revisions and development proposals which conserve energy and water, enhance the attractiveness of the area, and protect valuable natural and cultural resources.*
- *Growth Management, Policy 1b: Create a land exchange mechanism to acquire land for public purposes.*
- *Growth Management, Policy 1f: Encourage a balance of new development and redevelopment*
- *Neighborhoods, Goal 4: Promote the provision of sound and affordable housing to all San Antonians.*
- *Urban Design, Policy 1b: encourage public art in all public and private projects.*

### 35-360 Bonus Density

#### (a) Applicability.

The provisions of this subsection shall apply to density and intensity on the parcel subject to an Application for Development Approval. Density bonuses will be granted as of right if the applicant complies with the criteria established in subsection (b), below. Applicants requesting a density bonus for a residential subdivision may also reduce lot sizes through approval of a Conservation Subdivision (see § 35-202 of this Chapter).

#### (b) Bonus Criteria.

- (1) An applicant may be granted a density bonus by establishing any of the incentive items as described in Column (A) in Table 360-2 herein consistent with the standards described in Columns (B) and (C) of Table 360-2.

- (2) The total permissible dwelling units shall be calculated in accordance with Column (C) Table 360-2. In no event shall the cumulative total permissible dwelling units for Public Park Land or Open Space in Table 360-2 exceed the following:

**Table 360-1**  
**Alternative Incentives**

	(A) Active Open Space	(B) Passive Open Space	(C) Affordable Housing	(D) Percent to Total Permitted Dwelling Units <sup>(A)</sup>
A	*			120%
B		*		120%
C	*	*		130%
D	*		*	130%
E		*	*	130%
F	*	*	*	130%

Interpretation of Table 360-1:

Column (D): As calculated in § 35-310, Table 310.01-1 (Dimensional Matrix). For Conventional and Conservation Subdivisions, total permitted dwelling units are computed by dividing the gross acreage by the minimum lot size required by Table 310-1 of the proposed subdivision.

Columns (A) – (D): The cells with asterisks (\*) (Columns (A) - (C)) indicate the combination of incentives, with Column (D) indicating the maximum total dwelling units permitted, measured by multiplying the percentage in Column (D) by the base density, using the combination of incentives indicated in the row.

- (3) Minimum lot sizes may be reduced as needed to accommodate the additional dwelling units permitted by this section provided, however, that In no event shall minimum lot sizes be less than the following:

Zoning District	Minimum Adjusted Lot Size
CS	7 acres
RE	31,000
R-20	14,000
R-6, RM-6	4,200
R-5, RM-5	3,500
R-4, RM-4	2,800



**Table 360-2  
(Bonus Density Chart)**

(A) Incentive Item	(B) Criteria	(C) Bonus Calculation
Parks and Open Space	Establishment of Active or Passive Open Space in excess of the minimum acreage requirements of the Parks and Open Space Standards. The area dedicated to open space shall comprise at least one (1) acre and shall comply with Parks and Open Space Standards (§ 35-503) to receive bonus credit.	<p>(A) For Conventional Subdivisions:</p> $BD = [ (NA \div MLS) + (AOS \times 4) ] < [ (NA \div MLS) \times C ]$ <p>where: BD = total permissible dwelling units with bonus, NA = net acreage (adjusted for right-of-way but not open space), MLS = minimum lot size, AOS = additional open space (in acres) multiplied by maximum permitted density, C = cap on density from Table 360-2</p> <p>(B) For Conservation Subdivisions:</p> $BD = [ (GA \times MD) + (AOS \times 4) ] < [ (GA \times MD) \times C ]$ <p>where: BD = total permissible dwelling units with bonus, NA = net acreage (adjusted for right-of-way but not open space), MLS = minimum lot size, AOS = additional open space multiplied by maximum permitted density, C = cap on density from Table 360-2</p>
Redevelopment	Redevelopment of existing strip centers in accordance with the provisions of the Redevelopment Standards of this Ordinance.	For each 100 spaces of surface parking converted to structured parking on an area not exceeding 20% of the site area, an additional 20,000 feet of non-residential space may be constructed.
Retail Site Design	Superstores, shopping centers, or other Retail uses located in zoning districts C-1, C-2 or C-3 which comply with all of the following may obtain a density bonus pursuant to Column (C) herein where the proposed development complies with the commercial center design criteria (§ 35-203(o) of this Chapter).	A 30% increase in permitted height (permitted height x 1.3) may be granted.
Affordable Housing: Very Low Income	At least 5% of all dwelling units must be restricted as very-low income housing through a deed restriction or an enforceable contract with a public housing authority or community development corporation.	<p>BD = TD x Y, where:</p> <p>BD = Total permitted dwelling units, with bonus density</p> <p>TD = Base calculation of total permitted dwelling units pursuant to § 35-310</p> <p>Y = 1.20. The factor "Y" shall increase by 0.05 for every additional 15% of units restricted as very-low income housing, up to the maximum set forth in this Section.</p>
Affordable Housing: Low Income	At least 15% of all dwelling units must be restricted as low income housing through a deed restriction or an enforceable contract with a public housing authority or community development corporation.	<p>BD = TD x Y, where:</p> <p>BD = Total permitted dwelling units, with bonus density</p> <p>TD = Base calculation of total permitted dwelling units pursuant to § 35-310</p> <p>Y = 1.10. The factor "Y" shall increase by 0.05 for every additional 5% of units restricted as low income housing, up to the maximum set forth in this Section.</p>

Example:

An applicant subdivides a 50-acre parcel zoned R-6 as a Conventional Subdivision. R-6 requires a minimum lot size of 6,000 square feet. Assuming that 30% of the parcel (15 acres) is devoted to rights-of-way, the zoning permits a total of 254 dwelling units before open space is taken into consideration (35 acres or 1,524,600 square feet ÷ 6,000 square feet). The minimum open space required pursuant to § 35-503 is 1 acre per 114 units, or 2.2 acres. The applicant proposes to set aside an additional 2 acres for open space, for a total of 4.2 acres. The additional bonus units are 56 (2 acres x 7 units/acre maximum density in R-6 x 4). The number of permitted units (without the bonus units) added to the bonus units yields 310 dwelling units. The 20% cap on the bonus units yields 305 dwelling units. The applicant can subdivide 305 lots, with a minimum lot size of 3,500 square feet. See Figure 1, below, for a summary of how this example applies to the other zoning districts.

#### Example of Parks/Open Space Density Bonus

bonus per acre	4
Subdivision Size in acres	50
right-of-way (30% assumed)	15
net acres (prior to open space dedication)	35

#### Conventional Subdivision Formula:

$$BD = [(NA \div MLS) + (AOS \times 4)] \leq [(NA \div MLS) \times C]$$

where: BD = total permissible dwelling units with bonus, NA = net acreage, NA = net acreage, MLS = min. lot size (adjusted for ROW but not open space), AOS = additional open space x permitted density, C = cap on density from Table 360-2

Zoning	min lot size	total permitted dwelling units	min open space dedication (acres)	additional open space dedication (acres)	Permitted Density	earned bonus units	Total + Bonus Dwelling Units	allowed units with 20% cap	Adjusted net acreage	effective lot size	% of district min lot size	effective gross density
RE	43,560	35	0.3	2	1	8	43	42	33	33,907	78%	0.8
R-20	20,000	76	0.7	2	1.4	11	87	91	32	15,396	77%	1.8
R-6	6,000	254	2.2	2	7	56	310	305	31	4,396	73%	6.1
R-5	5,000	305	2.7	2	9	72	377	366	30	3,610	72%	7.3
R-4	4,000	381	3.3	2	11	88	469	457	30	2,824	71%	9.1

Figure 24

## **35-361      *Transfer Of Development Rights.***

*PURPOSE AND AUTHORITY. It is the policy of the City that landowners subject to development restrictions in the sending zones, or as the result of regulations protecting Critical Areas, should be provided regulatory incentives to permanently restrict such lands from urbanization. VTCA Local Government Code § 211.003 authorizes the City to control the density of population through zoning. While such regulations may be legally imposed where they further a legitimate public purpose and are reasonable, the transfer of development rights provides a vehicle to enable the private market to allocate economic benefits to landowners in the restricted areas, thereby enhancing the viability of businesses in the sending areas and avoiding potential legal disputes between the private landowners and the City. This Section establishes procedures for transferring densities from sending to receiving parcels. At the voluntary request of the landowners in the sending areas and the receiving areas, the City may increase densities in the receiving areas and reduce densities in the sending areas.*

*The TDR system is based on the theory of carrying capacity. In other words, a finite amount of development is permitted in the areas within the sending and receiving zones. The City is indifferent as to who does the development. Instead, it lets the market decide the price. A purchase of Transfer Development Rights does not increase the total amount of development possible in these areas. Accordingly, the accumulation of transfer rights is related to the overall purpose of preserving resources in the area.*

### **(a)      *Sending Areas Created.***

- (1) Severable Development Rights are hereby created in the Sending Areas designated below. Sending areas may be located in the unincorporated areas of Bexar County or another municipality within Bexar County if the landowner has recorded a conservation easement, or reserved rights-of-way, in accordance with the provisions of this Section. All Sending Areas are assigned Development Rights at the following ratios:
  - A. CRITICAL AREAS. Fifty percent (50%) of the development potential of Critical Areas, as defined in subsection (3), below, may be transferred.
  - B. AGRICULTURAL PRESERVATION. One hundred percent (100%) of the development potential of Agricultural Areas, as defined in subsection (4), below, may be transferred.
  - C. TRANSPORTATION CORRIDORS. Any land area within a designated right-of-way.
- (2) For purposes of this subsection, “development potential” means: (1) for areas within the incorporated boundaries of the City, the density permitted by the underlying zoning district, and (2) for areas within the extraterritorial jurisdiction of the City, one dwelling unit per five (5) gross acres, and (3) for areas within the unincorporated areas of Bexar County, one dwelling unit per ten (10) acres.
- (3) For purposes of this Subsection, a “Critical Area” means any natural resource or environmentally sensitive area which is:

- A. subject to the standards set forth in Article 5, Division 4 of this Chapter in order to protect the public health, safety and general welfare, and
  - B. protected by a Conservation Easement; and
  - C. physically developable at the development potential described in subsection (2), above, as certified by a Registered Professional Engineer.
- (4) For purposes of this subsection, and "Agricultural Area" means any tract or parcel:
- A. Which has a valid, unexpired agricultural appraisal approved by the Chief Appraiser of the Bexar Appraisal District pursuant to the "Assessments of Lands Designated for Agricultural Use" authorized by the Texas Constitution, Article VIII, Section 1-d and described in §§ 23.41 through 23.47 of the Texas Tax Code; or Which has a valid, unexpired agricultural appraisal approved by the Chief Appraiser of the Bexar Appraisal District pursuant to the "Open-Space Land" methods authorized by Texas Constitution, Article VIII, Section 1-d-1 and further described in §§ 23.51 through 23.59 of the Texas Tax Code; and
  - B. Is protected by a Conservation Easement; and
  - C. Is not used as a Concentrated Animal Feeding Operation, as defined in 40 C.F.R. part 122, which contains more than one-thousand (1,000) animal units.  
*Commentary: for useful descriptions of the agricultural tax appraisal methods, see Texas Real Estate Center Publication 1361, "Ag Use Exemption: Fact or Fiction", and Bexar Appraisal District, "Agricultural & Livestock Guidelines" (June 10, 1998).*
- (5) for purposes of this subsection, a "Transportation Corridor" means any proposed right-of-way for an Arterial Street, Thoroughfare, or Light Rail Line as designated in the Thoroughfare Plan, and which is dedicated to and accepted by the City, TXDOT, or VIA.
- (6) Documentation of compliance with the requirements for eligibility as a Sending Area shall be submitted with the Application for Development Approval requesting an increase in density in the Receiving Area provided, however, that the proposed development in the Sending Area may be approved subject to completion of such requirements including, but not limited to, recordation of a Conservation Easement or approval of an agricultural or open space land tax appraisal, as a condition of development approval.

**(b) Receiving Districts Designated.**

No severable development rights shall be exercised in conjunction with the development of subdivision of any parcel of land that is not located in a receiving district. A parcel of land which receives developments rights pursuant to this Section shall be referred to as a "receiver site." The following districts are hereby designed as receiving districts for purposes of transferring severable development rights:

TND	Traditional Neighborhood Development District
TOD	Transit-Oriented Development District

IDZ     Infill Development Zone

**(c)     *Timing***

Development Rights allotted to a sending area may be transferred to any person at any time and shall be deemed, for taxation and all other purposes, to be appurtenant to the land from which the rights are transferred until a development order is issued authorizing use of the Development Rights at a receiver site, at which time they shall attach to the receiver site for all purposes.

**(d)     *Recordation Of Transfer Of Development Rights***

**(1)     *Conditional Zoning District***

No Development Rights shall be used on the Receiving Site until a conditional zoning district has been approved as provided herein. The conditional zoning district shall include a condition requiring recordation of a deed in accordance with the requirements of subsection (2), below.

**(2)     *Right-of-Way Dedication***

Prior to issuance of a building permit, the owner of the transferor parcel has recorded a deed in the chain of title of the transferor parcel expressly restricting the use of the land in perpetuity to open space, agricultural lands (excluding feedlots/concentrated animal feeding operations) or street/road right-of-way. The deed restriction shall be expressly enforceable by the City Council and the Director, and a boundary plat for the transferor parcel shall be recorded reflecting the restriction. Within 10 days after the approval of the subdivision plat or issuance of the building permit, the Director shall convey to the dedicator a deed for the severable development rights that are attributable to the right-of-way area dedicated. If the deed for the severable development rights conveyed to the dedicator is not recorded in the office of the register of deeds within 15 days of its receipt, the deed shall be null and void.

**(e)     *Evidence Of Restriction Required For Development Approval***

A developer of a receiver site must submit, in conjunction with his application for development approval, evidence that the transferor parcel has been restricted to non-development uses and that a boundary plat has been recorded in accordance with the above provisions. No plat for a subdivision in conjunction with which severable development rights are exercised shall be recorded by the register of deeds, and no new building, or part thereof, or addition to or enlargement of an existing building, that is part of a development project in conjunction with which severable development rights are exercised shall be occupied, until documents have been recorded in the office of the register of deeds transferring title from the owner of the severable development rights to the City Council and providing for their subsequent extinguishment.

**(f)     *Severable Development Treated Interest In Real Property***

Once a deed for severable development rights has been transferred by a city or county to the dedicator and recorded, the severable development rights shall vest and become freely alienable.

**(g)     *Notice And Hearing Requirements***

Any proposed transfer of development rights from the sending property or to the receiving property shall be subject to the notice and hearing requirements of VTCA §§ 211.006 (Procedures Governing Adoption of Zoning Regulations and District Boundaries), and 211.007 (Planning Commission) for rezonings (see § 35-403 of this Code).

***(h) Preceding Transfer Of Development Rights***

Prior to any transfer of development rights, the City Council shall adopt an ordinance providing for:

- (1) The issuance and recordation of the instruments necessary to sever development rights from the sending property and to affix development rights to the receiving property. These instruments shall be executed by the affected property owners and lienholders.
- (2) The preservation of the character of the sending property and assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner.
- (3) The severance of transferable development rights from the sending property and the delayed transfer of development rights to a receiving property.
- (4) The purchase, sale, exchange or other conveyance of transferable development rights prior to the rights being affixed to a receiving property.
- (5) A system for monitoring the severance, ownership, assignment and transfer of transferable development rights.
- (6) The right of the City Council to purchase development rights and to hold them for resale.

## **DIVISION 7     SUPPLEMENTAL USE REGULATIONS**

### **35-370     *Accessory Use Regulations.***

- (a)     Accessory structures exceeding thirty (30) inches in height shall be located a minimum distance of five (5) feet from any side or rear property line. In residential districts, however, if an accessory structure has no sills, belt courses, cornices, buttresses, eaves, or similar projecting architectural features, then the minimum distance from any side or rear property line may be reduced to three (3) feet.
- (b)     Accessory structures on reverse corner lots shall maintain a minimum distance from the side street lot line equal to the depth of the front Setback required on the lot to the rear.
- (c)     The maximum lot coverage of all accessory structures shall not exceed fifty (50) percent of the total area of the side and rear yards, provided that in residential districts the total floor area does not exceed a maximum of twenty-five hundred (2,500) square feet.
- (d)     Within nonresidential districts, accessory structures, except for carports, are prohibited within the side and rear Setback areas of lots adjacent to residential district. The total floor area of all accessory structures shall not exceed 2,500 square feet.



## 35-371 Accessory Dwellings



*Accessory (left) and Principal (right) Dwellings*

*Purpose: Affordable housing and neighborhood stability are important public objectives in the City of San Antonio. In recent years, accessory dwellings have become an important method to permit families to remain in their homes by securing rental income, while at the same time providing affordable housing for the elderly, single-person households, students, and other needy populations. Accessory dwellings are also known as "carriage houses," "granny flats," or "echo homes" (an acronym for "elder cottage housing opportunities").*

*The provisions of this section implement Policy 4i (Neighborhoods) of the Master Plan, which requires the City to permit carefully controlled accessory housing in single family residential zoning districts.*

### **(a) Generally**

- (1) The property owner, which shall include title holders and contract purchasers, must occupy either the principal unit or the Accessory Dwelling as their permanent residence, and shall at no time receive rent for the owner-occupied unit. 'Owner occupancy' means a property owner, as reflected in title records, makes his or her legal residence at the site, as evidenced by voter registration, vehicle registration, or similar means. The property owner shall sign an affidavit before a notary public affirming that the owner occupies either the main building or the Accessory Dwelling. The applicant shall provide a covenant suitable for recording with the



County Recorder, providing notice to future owners or long term lessors of the subject lot that the existence of the accessory dwelling unit is predicated upon the occupancy of either the accessory dwelling or the principal dwelling by the person to whom the certificate of occupancy has been issued. The covenant shall also require any owner of the property to notify a prospective buyer of the limitations of this Section and to provide for the removal of improvements added to convert the premises to an accessory dwelling and the restoration of the site to a single family dwelling in the event that any condition of approval is violated.

- (2) No Accessory Dwelling shall be constructed, used or occupied unless and until an Accessory Dwelling Permit is issued.
- (3)
- (4) The Accessory Dwelling shall be connected to the central water and sewer system of the Principal Structure.
- (5) The total number of occupants in the accessory dwelling unit combined shall not exceed three persons.
- (6) The Accessory Dwelling shall not exceed eight-hundred (800) square feet of gross floor area in the R-4, RM-4, R-5, RM-5, R-6, RM-6 and R-20 zoning districts, or 1,200 square feet in the RE zoning district. This restriction applies only to that portion of a structure which constitutes living area for an Accessory Dwelling.

**(b) Accessory Detached Dwelling Units**

Where permitted pursuant to § 35-311 of this Chapter, an Accessory Detached Dwelling Unit ("ADDU") shall not be established except in accordance with the following criteria:

- (1) The building footprint for the ADDU shall not exceed 40 percent (40%) of the building footprint of the principal residence. The "building footprint" shall include patios, but shall not include porches.
- (2) Total floor area of the ADDU shall not exceed 800 square feet or be less than 300 square feet.
- (3) An ADDU shall not contain more than one (1) bedroom.
- (4) Only one (1) accessory unit shall be permitted per lot.
- (5) Parking areas shall be located behind the front yard.
- (6) In order to maintain the architectural design, style, appearance and character of the main building as a single-family residence, the ADDU shall have a roof pitch, siding and window proportions identical to that of the principal residence.

**(c) Attached Accessory Dwelling Units**

- (1) The gross floor area of the Accessory Apartment shall not exceed thirty-five percent (35%) of the total living area of the Principal Dwelling Unit.
- (2) Occupancy of the accessory apartment shall not exceed one person per two hundred (200) square feet of gross floor area.

## **35-372 Affordable Dwelling Units**

*The purpose of this Section is:*

- *to provide affordable shelter for all residents of the City;*
- *to address housing needs,*
- *to promote a full range of housing choices,*
- *to encourage the construction and continued existence of moderately priced housing by providing for optional increases in density in order to reduce land costs for such affordable housing.*

*This section implements the following provisions of the Master Plan:*

- *Neighborhoods, Policy 4a: Require affordable housing providers to complement the architectural design and character of the neighborhood in which new housing is being constructed.*
- *Neighborhoods, Policy 4e: Facilitate the provision of affordable housing by the private sector.*
- *Neighborhoods, Policy 4e: Provide incentives for private housing providers who provide affordable housing designed to meet the goals set forth in the five-year housing master policy.*
- *Neighborhoods, Policy 4e: Review zoning, subdivision ordinances, building codes, and related development-control ordinances and administrative procedures, to identify and overcome barriers to affordable housing.*
- *Urban Design, Policy 1c: Support and promote mixed-use residential development that will include a mix of multi-family units and single family homes in varying sizes, types and price ranges.*

### **(a) Applicability**

#### **(1) Generally**

The provisions of this Section shall apply to any application for development approval, as set forth in subsection (2) below, which include affordable dwelling units with the maximum ratio specified in Column (B) of Table 372-1, below. For purposes of this Section, an "Affordable Dwelling Unit" means any dwelling unit restricted as Low Income Housing or Very Low Income Housing.

#### **(2) Qualifying Applications**

The provisions of this Section apply to a site, or a portion thereof, which is the subject of an application for a rezoning, Master Development Plan, or subdivision plat.

### **(b) Architectural Design and Character**

Affordable Dwelling Units shall comply with the Residential Urban Design Criteria (§ 35-372) of this Ordinance.

**(c) Density Bonus And Set-Aside Requirements.**

- (1) A Qualifying Application (as defined in subsection (a) of this Section) may be approved with an increase in the density of the site as set forth in Table 372-1. The applicant shall consent to a voluntary and enforceable condition in which the specified percentage of the developable density of the site, as specified in Column (B) of Table 372-1, is reserved as Affordable Dwelling Units as defined in subsection (a) of this Section.
- (2) Table 372-1 shall be construed as follows:
  - A. Determine the category of housing as set forth in Column (A).
  - B. Determine the required set-aside for the Application Category by referring to Column (B). For purposes of this subsection, the number of Affordable Dwelling Units required is determined by multiplying the total number of dwelling units permissible on the site as set forth in Table 310-1 by the percentage prescribed in Column (B) of Table 372-1, below.
  - C. Determine the density increase that may be awarded by referring to Column (C). For purposes of this subsection, the additional density that may be awarded is determined by multiplying the total number of dwelling units permissible for the site as set forth in Table 310-1 by the percentage prescribed in Column (C) of Table 372-1, below. The City shall not require the additional dwelling units to be restricted as to income.

*Example: A 20-acre parcel is zoned R-6 (6 dwelling units per acre in Table 310-1). 30% of the parcel is devoted to right-of-way and open space, leaving 14 acres developable for lots. The developer can subdivide the tract into 101 lots as a Conventional Subdivision (14 acres ÷ 6,000 square feet per lot). The applicant agrees to restrict 10% of the units, or 10 units (101 units x 10% (Column (B) of Table 372-1, below), as Low Income Housing. The developer may construct an additional 20 dwelling units (101 x 20% (Column (C))), or a total of 121 dwelling units.*

- (3) In some instances, developers will not be able to provide the number of dwelling units permissible after applying Table 372-1. In such cases, the applicant may reduce the number of Affordable Dwelling Units. However, the number of Affordable Dwelling Units provided in such cases must at least equal the ratio . to the additional units which result from dividing Column (B) by Column (C) and multiplying the dividend by the number of Affordable Dwelling Units required under subsection (2), above.

*Example: In the 20-acre parcel discussed in the example under subsection (2), above, the developer is able to construct only 10 additional dwelling units because of floodplain restrictions. In Table 372-1, Column (B) (10%) ÷ Column*

*(C) (20%) is 50%. 10 affordable dwelling units were required by subsection (2), above. The applicant may reduce the number of Affordable Dwelling Units provided by 50%, or by 5 units.*

(4)

**TABLE 372-1**

<b>(A)</b> <b>APPLICATION CATEGORY</b>	<b>(B)</b> <b>SET-ASIDE</b>	<b>(C)</b> <b>DENSITY BONUS</b>
Low Income Housing	10%	20%
Very-low Income Housing	5%	10%

**(d) Project Phasing.**

No Qualifying Application shall be approved unless the applicant consents to a condition that building permits for the dwelling units that are not Affordable Dwelling Units (hereinafter "market rate units") shall be issued as follows:

- (1) Building permits may be issued for the first fifty percent (50%) of the market rate units prior to the construction and offering for sale or rental of any Affordable Dwelling Unit.
- (2) No building permits may be issued for the next twenty-five percent (25%) of the market rate units (i.e., from 51% up to 75% of the approved market rate units) prior to the construction and offering for sale or rental of at least twenty-five percent (25%) of the approved Affordable Dwelling Units.
- (3) No building permits may be issued for the next fifteen percent (15%) of the market rate units (i.e., from 76% up to 90% of the approved market rate units) prior to the construction and offering for sale or rental of at least seventy-five percent (75%) of the approved Affordable Dwelling Units.
- (4) No building permits may be issued for the remainder of the market rate units (i.e., from 91% to 100% of the approved market rate units) prior to the construction and offering for sale or rental of 100% percent (100%) of the approved Affordable Dwelling Units.

**(e) Enforcement.**

The City Council or its designee may enforce compliance with the standards of this Section and may impose penalties for noncompliance as set forth in Article IV of this Chapter.

**(f) Administration.**

- (1) Affordable Dwelling Units shall be offered for sale or rent exclusively to persons, households or families who meet the income criteria for "Low Income Housing" or "Very-Low Income Housing," as defined in Appendix A of this Chapter (hereinafter "Target Households").
- (2) The provisions of this Section may be administered by the Neighborhood Action Department of the City of San Antonio ("NAD"). The NAD or a Community Housing Development Organization (CHDO) shall have an exclusive right to purchase any units be offered for sale to Target Households but not purchased or rented within a time period mutually agreed upon between the Applicant and NAD or a CHDO.
- (3) Affordable dwelling unit sales prices throughout the City shall be established by NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct the affordable dwelling unit prototype dwellings by private industry, and other information such as the area's current general market and economic conditions, provided that sales prices not include the cost of land, on-site sales commissions and marketing expenses, but may include, among other costs, builder-paid permanent mortgage placement costs and buy-down fees and closing costs except prepaid expenses required at settlement.
- (4) Affordable dwelling unit rental prices shall be established by NAD initially and shall be adjusted semiannually, based on a determination of all ordinary, necessary and reasonable costs required to construct and market the required number of affordable dwelling rental units by private industry in the area, and other information such as the area's current general market and economic conditions.
- (5) Prices for re-sales and re-rentals shall be controlled by NAD or a CHDO designated by the Applicant for a period of fifty (50) years after the initial sale or rental transaction for each affordable dwelling unit.
- (6) The sales and rental price for affordable dwelling units within a development shall be established such that the owner/applicant shall not suffer economic loss as a result of providing the required affordable dwelling units. "Economic loss" for sales units means that result when the owner or applicant of a development fails to recoup the cost of construction and certain allowances as may be determined by NAD for the affordable dwelling units, exclusive of the cost of land acquisition and costs voluntarily incurred but not authorized by this Section, upon the sale of an Affordable Dwelling Unit.

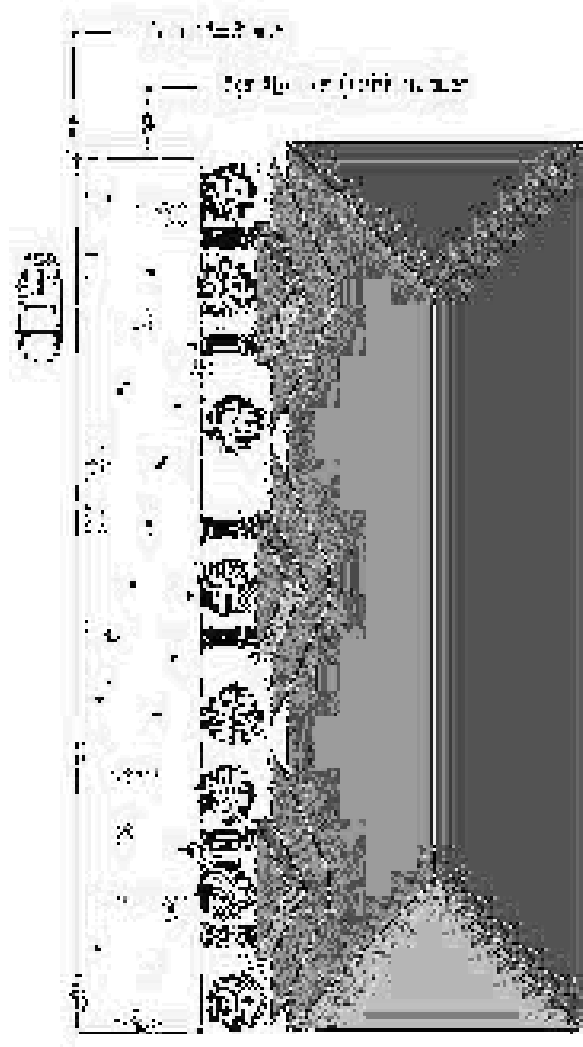
### **35-373 Attached Dwellings (Duplexes, Rowhouses, and Townhouses, Zero-Lot Line, Cottages, and Housing for Older Persons)**

#### **(a) Applicability**

The provisions of this Section apply to any Single-Family Attached Dwelling, Duplex, Rowhouse, Townhouse, Zero-Lot Line House, Cottage, or Housing Facility for Older Persons.

#### **(b) General Criteria**

- (1) No Front Yard or Side Yard is required.
- (2) A rear yard Setback shall not be required when the townhouse lot abuts an alley or driveway having a minimum right-of-way width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development.
- (3) On townhouse lots that do not abut, at the rear, an alley or driveway having a minimum width of twenty-four (24) feet, a twelve foot rear yard Setback shall be required. At least six hundred (600) square feet of contiguous open area shall be provided behind the front Setback. The "contiguous open area" may consist of lawns and/or landscaped areas, but shall not include parking, driveways, or other impervious surfaces other than walkways from the front entrance to the street or parking areas.
- (4) The minimum lot depth shall be eighty (80) feet.



*Contiguous open space (35-373(b)(3))*

- (5) Attached dwelling units shall not be subject to the minimum lot size

**(c) Townhouse or Rowhouse Development**

- (1) Except in the TOD District, no townhouse development shall exceed a density of more than twenty (20) units per gross acre.
- (2) The total dwelling units in any single townhouse structure shall not exceed ten (10) nor be less than two (2).

**(d) Cottage Housing Developments**

The following regulations apply to Cottages and Cottage Housing Developments (CHDs). For purposes of this subsection (d), a "Cottage" means a single-family detached dwelling which meets the requirements of this Section, and a "Cottage Housing Development" means a lot, parcel, or contiguous development site on which one or more Cottages are located.

**(1) Density and minimum lot area.**

- A. In CHDs the permitted density shall be as follows:

Zoning District	Lot or Parcel Square Footage per Unit	Dwelling Units per Acre
Infill Development Zone ("IDZ")	2,900	15
Residential Mixed ("RM-4")	3,300	13
Residential Mixed ("RM-5")	3,900	11
Residential Mixed ("RM-6")	4,800	9

- B. The minimum lot area for a CHD shall be Eleven Thousand Six Hundred (11,600) square feet.
- C. On a lot to be used for a CHD, an existing detached single-family residential or duplex, which may be nonconforming with respect to the standards of this section, shall be permitted to remain, but the extent of the nonconformity may not be increased.

**(2) Height limit and roof pitch.**

- A. Cottages shall not exceed eighteen (18) feet or one and one-half (1½) stories in height.
- B. The ridge of pitched roofs with a minimum slope of six to twelve may extend up to 25 feet. All parts of the roof above eighteen feet shall be pitched.

**(3) Lot coverage and floor area.**

- A. The maximum lot coverage permitted for principal and accessory structures in a CHD shall not exceed forty percent (40%).

- B. The maximum first floor or principal floor area for an individual principal structure in a CHD shall not exceed eight hundred (800) square feet.
- C. The total floor area of each cottage shall not exceed either 1.5 times the area of the principal floor area, or nine hundred seventy-five (975) square feet, whichever is less.

**(4) Yards.**

- A. Front Yards. The front yard shall be an average of ten (10) feet and at no point shall be less than five (5) feet.
- B. Rear yards. The minimum rear yard shall be ten (10) feet.
- C. Side yards. The minimum required side yard shall be five (5) feet.

**(5) Required Open Space.**

- A. In lieu of the requirements of § 35-503(b) of this Chapter, a minimum of four hundred (400) square feet per unit of common open space is required. A fee pursuant to § 35-503(c) shall not be paid in lieu of this open space.
- B. At least 50% of the cottages shall abut the common open space.
- C. All of the cottage units shall be within 60 feet walking distance of the common open space.
- D. The common open space shall have cottages abutting at least two sides.
- E. The open space shall in all other respects conform to the Parks and Open Space Standards (§ 35-503) of this Chapter.

**(6) Parking.**

- A. The amount of parking spaces shall be as provided in § 35-526(b).
- B. Parking may be in or under a structure or outside a structure, provided that:
  - 1 The parking is screened from direct street view by one or more street facades, by garage doors, or by a fence and landscaping.
  - 2 Parking between structures is only allowed when it is located to the rear of the principal structure and is served by an alley or private driveway.
  - 3 Parking may not be located in the front yard.

Parking may be located between any structure and the rear lot line of the lot or between any structure and a side lot line, which is not a street side lot line.



**(e) Housing Facilities for Older Persons**

- (1) For purposes of this subsection (e), a "Housing Facility for Older Persons" (hereinafter "HFOP") means any Apartment which complies with the provisions of 24 C.F.R. §§ 100.3 04 – 100.307.
- (2) An HFOP shall be permitted as of right:
  - A. in any RM-4, RM-5, or RM-6 zoning district subject to the requirements of this Section, or
  - B. in any MF-25, MF-33, MF-40, or MF-50 subject to the standards generally applicable to other uses within such districts.
- (3) Prior to issuance of an Application for Development Approval authorizing construction or establishment of an HFOP, the Applicant shall provide to the Director of Building Inspections:
  - A. a copy of the policies and procedures required by 24 C.F.R. § 100.306, and
  - B. a copy of the verification of occupancy required by 24 C.F.R. § 100.307.
- (4) An HFOP permitted within the RM-4, RM-5, or RM-6 zoning districts shall comply with the following:
  - A. The building shall not exceed two (2) stories in height; and
  - B. The building shall conform to the setback standards generally applicable within the zoning district; and
  - C. The building shall comply with the minimum and maximum parking standards applicable to Multi-Family Dwellings; and
  - D. The proposed development shall comply with all applicable standards of Article 5 of this Chapter.

**35-374 Bed and breakfast**

*The purpose of this section is to regulate bed and breakfast establishments within the city. Such establishments as specified by zoning district are subject to the conditions of this section.*

**(a) Applicability**

The provisions of this Section shall apply to the establishment of any Bed and Breakfast in the City.

**(b) Definitions.**

Definitions which appear below apply only to this section and shall prevail if in conflict with definitions found elsewhere within this Code.

- (1) "Distressed structure" means a structure which has been certified by the historic preservation officer as being more than fifty-one (51) percent uninhabitable or vacant, and/or in disrepair for more than two (2) years.
- (2) "Owner of the property" means a natural person directly owning at least fifty (50) percent fee simple interest in the property and who shall also occupy the premises as his place of residence.

**(c) Number of guest rooms per structure.**

The maximum number of permitted guest rooms per bed and breakfast establishment within each zoning district shall be as indicated in the following table. Any bed and breakfast establishment with more than twelve (12) guests rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses.

Zoning District	Number of Guest Rooms
RE, R-20, NP-15, NP-10, NP-8, R-6, RM-6	2
R-4, RM-4	3
R-4, R-5, RM-4, RM-5, MF-25, MF-33, MF-40, MF-50	5
NC, C-1, C-2, C-3, , O-1, O-2	10
D	12

**(d) Certificate of occupancy**

A certificate of occupancy shall be required for all bed and breakfast establishments.

**(e) Guest register required.**

The owner/operator shall maintain a current guest register to include names, addresses, fees collected and dates of occupancy of all guests.

**(f) Signage requirements.**

No signs shall be permitted within residential districts except for a nameplate not exceeding one (1) square foot in size and consisting of the name of the establishment only. This nameplate may be attached to the building, gatepost, gate, or other permanent fixture to allow visibility from the street.

**(g) Parking space requirements.**

One (1) off-street parking space per guest room shall be provided in addition to the required off street parking for the owner/operator. Tandem parking is allowed; however, except for the driveway, the front yard shall not be used for parking.

**(h) Cleaning requirements.**

The owner/operator shall provide clean linens and towels as necessary, as well as adequate heating, ventilation, water, and sewage disposal. The owner/operator shall maintain the outside area in a clean and sanitary manner and shall properly clean the premises and facilities during the guest's stay and after each guest has departed.

**(i) Regulations pertaining to bed and breakfast establishments within any zoning district.**

Except as provided for by subsection (3) of this section, no bed and breakfast establishments within these zoning districts may be permitted within three hundred (300) feet laterally and one hundred fifty (150) feet perpendicularly (as below) of any other property authorized for a bed and breakfast use within any zoning district. Such measurements shall be made from the property line of the proposed bed and breakfast to the nearest property line of the existing bed and breakfast. (See Figure 374-1)

Measurement for the location of a proposed bed and breakfast establishment shall be in a straight line (without regard to intervening structures or objects) in three (3) directions. The first measurement shall be from the nearest front property line of the proposed bed and breakfast establishment one hundred fifty (150) feet outward towards the street. The second and third measurements shall be from the two (2) side property lines of the proposed bed and breakfast three hundred (300) feet laterally to the side lot line(s) of adjacent properties.

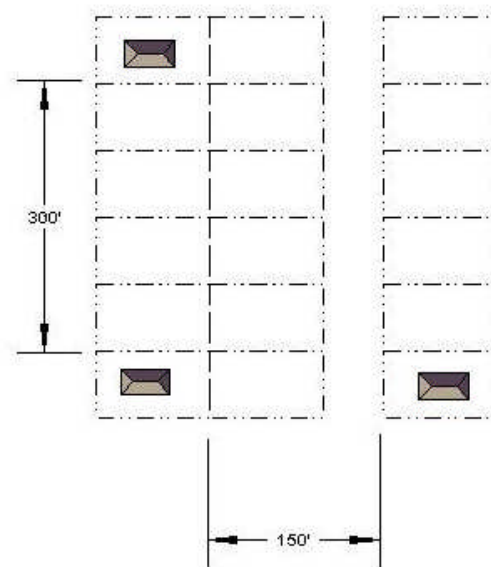
Specific Use Permit approval to operate a bed and breakfast establishment within the above measurement formula of one hundred fifty (150) feet and three hundred (300) feet of another bed and breakfast establishment as defined in subsection (b) above may be granted for the following structures:

**(1) Distressed structure.**

The applicant must demonstrate, and the city council must find:

- The restoration of an historic landmark or structure is a valuable addition to the quality and the character of the city; or
- There is proof that a bed and breakfast use is the only economically feasible way to finance the preservation of the structure; and
- The granting of a special city council approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

**(2) Non-distressed structure.**



**Figure 374- 1**

The applicant must demonstrate, and the city council must find:

- The public welfare and convenience will be served, as demonstrated by subsections (1) and (2), below.
  - (1) That nearby streets will not be substantially impacted by the proposed bed and breakfast. To make this determination, the city council shall consider input from the city traffic engineer.
  - (2) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.
- The neighboring property will not be substantially injured by such proposed use.

***(j) Regulations pertaining to bed and breakfast establishments within the Residential Zoning Districts***

Bed and breakfast establishments within Residential Zoning Districts shall be managed and occupied by the owner of the property. Permission shall be granted by the director of building inspections for an on-site manager to be employed by the owner for a time not to exceed one hundred twenty days (120) of a calendar year. If circumstances require the absence of the owner for a period exceeding one hundred twenty (120) days, the director of building inspections may grant an extension for good cause.

***(k) Nonconforming rights.***

Properties which are used as bed and breakfast establishments as of May 6, 1999, as well as properties properly zoned for use as bed and breakfast establishments, may be registered as nonconforming uses at the department of building inspections and upon such registration shall continue as long as the establishment remains in operation as per Article 7 of this Chapter. Any property currently zoned for use as a bed and breakfast, but not used as such, shall within one (1) year from the May 6, 1999 begin to be used as a bed and breakfast for this subsection to apply.

**35-375 Beauty shops and barber shops**

Beauty shops and Barber shops may be permitted in all residential zones established by this chapter subject to the following limitations, conditions and restrictions:

- (a) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the beauty shop or barber shop is to be located shall be submitted.
- (b) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the beauty shop or barber shop shall be permitted.
- (c) Signs advertising the beauty shop or barber shop are not permitted, but a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure.

- (d) The beauty shop or barber shop shall be located within the main structure on the lot and shall not utilize more than twenty-five (25) percent of the gross floor area of the first floor. In the case of a beauty shop in a duplex, the twenty-five (25) percent gross floor area shall be calculated on one (1) living unit of the duplex. In the case of a beauty shop in an apartment unit the board of adjustment shall determine the area to be used for said operation.
- (e) The beauty shop or barber shop shall be limited to a one (1) operator shop.
- (f) No person not residing on the premises may be employed in the operation of the beauty shop or barber shop.
- (g) Hours of operation shall be regulated by the board of adjustment and shall be specified in the minutes of the case.
- (h) That such use will not be contrary to the public interest.
- (i) Granting of the permit for a beauty shop or barber shop in conjunction with a residential use is to be for a definite period of time not to exceed two (2) years, and only after notice and hearings as provided in this chapter for appeals to the board of adjustment.

### **35-376      *Day-care facilities***

The following requirements apply to registered family homes, group day-care homes, nursery schools, and day-care centers.

#### **(a)      *License and registration.***

All group daycare homes, nursery schools, and day-care centers shall have a current license issued by the Texas Department of Human Resources. Registered family homes shall maintain a current registration with the Texas Department of Human Resources.

#### **(b)      *Standards within Residential Districts***

Day-care facilities shall comply with the following conditions within residential zoning districts:

- (1) Outdoor play space shall not be permitted within the front yard area.
- (2) No signs shall be permitted except for a name plate not exceeding one (1) square foot in size and attached flat to the main structure.

#### **(c)      *Outdoor Play Areas***

The outdoor play space for day-care centers, group day-care homes, and nursery which abut or are located within a residential zoning district shall be enclosed by a six-foot solid (opaque) fence.

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**35-377      *Family homes***

Family homes are permitted in all residential zones and the C-1 District, subject to the following conditions:

- (a) Not more than six (6) disabled persons, regardless of their legal relationship to one another, and two (2) supervisory personnel may reside in a family home at the same time.
- (b) A family home must provide to the disabled residents the following services: food and shelter, personal guidance, care, habilitation services, and supervision.
- (c) The residents of a family home may not keep, on the premise of the home or on the public rights-of-way adjacent to the home, more than one (1) motor vehicle per bedroom for the use of the residents of the home.
- (d) A family home must meet all applicable licensing requirements.
- (e) A family home may not be established within one-half (1/2) mile of a previously existing family home.
- (f) No certificate of occupancy is required for a family home.

**35-379      *Head shops*****(a)      *Spacing***

Notwithstanding any other provisions of this chapter, no head shop shall be established or maintained within one thousand (1,000) feet of any of the following uses:

- (1) Property which is temporarily or permanently zoned residential.
- (2) Churches.
- (3) Hospitals.
- (4) Community centers.
- (5) Museums.
- (6) Parks.
- (7) Schools.

**(b) Measurement of spacing**

Measurement shall be made in a straight line from the nearest boundary of property so zoned to the nearest part of the building in which such use is made, if the same commercial activity occupies an entire building; provided, that the case of a building which is divided into separate rental or ownership spaces devoted to different uses or enterprises, measurement shall be made to such space or unit of the building in which such use is made.

**(c) Registration and Amortization of Nonconforming Uses**

Any properties devoted to such use which are so located due to zoning, rezoning, or annexation may be registered as nonconforming uses at the department of building inspections within sixty (60) days from the date of becoming nonconforming with this chapter, by the owners or any other interested party and upon such registration, such use may thereafter be continued for a period not to exceed three (3) years. After termination of the three-year period, such operation and use must cease.

**35-380 Home occupations.****(a) General Requirements**

Home occupations are permitted in any dwelling unit subject to the following provisions:

- (1) The appearance of the dwelling unit shall not be altered nor shall the home occupation be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, increased traffic or the emission of odors, sounds, or vibrations. The city's noise and nuisance regulations are also applicable.
- (2) No outdoor display of goods or outdoor storage of equipment or materials used in the home occupation shall be permitted.
- (3) The home occupation shall not involve the use of advertising signs on the premises or any other advertising media which calls attention to the fact that the dwelling unit is being used for a home occupation, with the exception of a telephone number listing. One (1) nameplate not exceeding one (1) square foot in area shall be allowed provided the nameplate is nonilluminated and attached flat to the dwelling unit or visible through a window.
- (4) The home occupation shall be conducted solely by resident occupants of the dwelling unit. No person not permanently residing on the premises shall be employed for hire or as a volunteer.
- (5) The home occupation shall be conducted entirely within the dwelling unit except for those necessary outdoor activities related to the care of children. No more than twenty-five (25) percent of the gross area of the dwelling unit shall be used for the home occupation. Use of accessory buildings, garages, or carports for a home occupation is prohibited.

- (6) The use of electrical or mechanical equipment that would change the fire rating of the dwelling or create visible or audible interference in radio or television receivers or cause fluctuations in line voltage outside the dwelling unit is prohibited.
- (7) The home occupation shall not involve the use of commercial vehicles for delivery of materials to and from the premises.
- (8) No direct on-premises selling of goods shall be allowed; however, telephone soliciting is permitted.
- (9) No certificate of occupancy is required for a home occupation.

**(b) Prohibited Uses**

The following uses are prohibited as home occupations:

- (1) Vehicle painting, service, or repair.
- (2) Barber and beauty shops; however, both beauty shops and barber shops are permitted as a Specific Use Permit.
- (3) Animal hospitals, kennels, stables, hospitals, or obedience/training schools.
- (4) Restaurants, catering, or the preparation of food for resale.
- (5) Furniture repair or upholstery.
- (6) Teaching of music, art, dance, or exercise classes to more than two (2) students at any one time.

### **35-381 Manufactured Home And Recreational Vehicle Parks**

**(a) Purpose.**

The purpose of this division is to achieve orderly development of manufactured home and recreational vehicle parks, to promote and develop the use of land to assure the best possible community environment in accordance with the master plan of the city, and to protect and promote the health, safety and general welfare. Throughout this division references and provisions relating to manufactured home parks shall also apply to recreational vehicle parks unless specifically noted.

**(b) Procedures**

See § 35-424(g) of this Chapter.

**(c) Arrangement of building and facilities.**



The site including manufactured home stands, patios, buildings and all site improvements shall be harmoniously and efficiently organized in relation to topography, the shape of the parcel, the shape, size and position of buildings and common facilities and with full regard to use and appearance.

**(d) Density**

- (1) A manufactured home park shall be designed with a maximum density of ten (10) units per acre.
- (2) Recreational vehicle parks may be designed with a maximum density of twenty (20) units per acre.

**(e) Required recreation areas.**

- (1) In all recreational vehicle parks there shall be one or more recreation areas which shall be accessible to all park residents. The size of the recreation areas shall be based upon a minimum of one hundred (100) square feet for each lot. No recreational area shall contain less than two thousand five hundred (2,500) square feet.
- (2) Manufactured home parks shall provide parks and/or open space consistent with the requirements of § 35-504 of this Chapter.

**(f) Yards and distances between stands and buildings.**

*The objectives of yard requirements are:*

- (1) *To obtain sufficient distances between the manufactured home stand on its lot and obstructions on adjoining land to assure privacy, adequate natural light and air, and convenient access to the unit.*
- (2) *To provide for circulation around the unit for such uses of the yard spaces as are considered essential to the manufactured home.*

**(1) Determination of yards.**

Yard width shall be measured from the required manufactured home stand to the individual manufactured home lot line. At every point it shall be at least equal to the required minimum. Patios, carports and individual storage lockers shall be disregarded in determining yard widths.

**(2) Yard requirements.**

Manufactured home stands shall be separated from each manufactured home site line a distance of not less than ten (10) feet on the entry side and five (5) feet on all other sides. Detached accessory structures shall be located no nearer than three (3) feet from any required site line. In no case, however, shall the accessory structure occupy more than thirty (30) percent of the required yard area of the entry side. Accessory structures attached to a manufactured home shall be construed to be a part of that structure and shall adhere to the yard requirements of same.

**(3) Yards abutting common areas.**

The distance from any manufactured home stand to a street right-of-way shall be eight (8) feet minimum.

**(4) Distance to park boundaries.**

The distance from the line or corner of any manufactured home stand to a boundary line of the manufactured home park shall be as specified for the zoning district.

**(g) Streets.**

**(1) Generally.**

Streets shall be provided within manufactured home parks to provide convenient circulation by means of local streets and properly located collector streets. Streets within a manufactured home park shall be private streets and shall be maintained by the manufactured home park owner or licensee.

**(2) Design standards and construction specifications.**

The street system shall comply with the standards for private streets as specified in the Transportation Standards of this Chapter.

**(h) Driveways.**

The minimum width of driveways to manufactured home stands and other facilities shall be twelve (12) feet, plus any extra width necessary for maneuvering a manufactured home on a curve.

**(i) Drainage structures.**

Provision for the collection and disposal of surface and subsurface water to protect buildings and manufactured home stands, and to provide safe and convenient use of streets, lot areas and other improvements shall be required in all manufactured home parks in accordance with the Stormwater Management Standards of this Chapter.

**(j) Water supply.**

Every manufactured home park shall be provided by the park licensee with an ample supply of water under pressure and approved by the director of health. Individual water lines from service outlets to manufactured homes shall comply with the Utilities Standards of this Chapter.

**(k) Sewage disposal.**

All the sewer lines shall be connected to the public sewage system or a private sewage disposal system approved by the director of health. Individual sewage drains from manufactured homes to the park service connections shall comply with the Utilities Standards of this Chapter.

**(l) Electrical power lines.**

Electrical facilities shall comply with the rules and regulations regarding placement, installation, operation, and maintenance of electrical facilities as included in, but not limited to, the National Electrical Code and the National Electrical Safety Code.

**(m) Fire hydrants.**

Standard fire hydrants, in workable condition, shall be located within five hundred (500) feet of each manufactured home. All such fire hydrants shall be connected to not less than a six-inch diameter water line.

**(n) Floodplains.**

Every manufactured home park shall comply with the provisions of the Floodplain Standards of this Chapter, as applicable.

**(o) Recreational vehicles.**

Any area provided for the use of recreational vehicles shall comply with all provisions of this chapter except as follows:

**(1) Density**

Being consistent with good planning practice, the area so designated shall be designed within a maximum density of twenty (20) units per acre.

**(2) Distance to park boundaries**

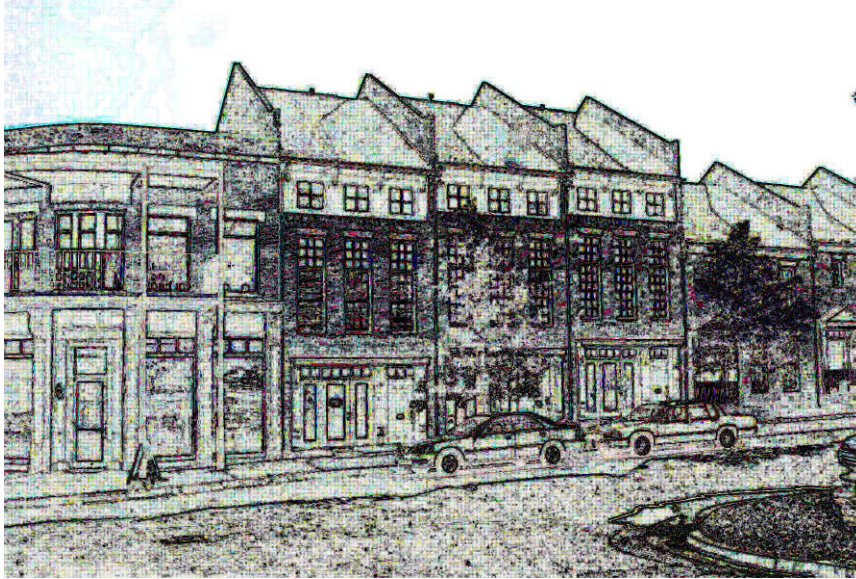
The distance from the line or corner of any recreational vehicle stand to a boundary line of the recreational vehicle park shall be adequate to protect the residential use in the park and shall not be less than twenty-five (25) feet where abutting a public street. Yard requirements along other property lines shall be ten (10) feet. However, where the side lot line property abuts a residence district, a minimum side Yard of fifteen (15) feet shall be provided. Where the rear lot line abuts a residence district, a minimum rear Yard of twenty (20) feet shall be provided.

## **35-382 Miniwarehouses**

Miniwarehouses may be permitted in the the zoning Districts designated in the Use Matrix (Table [311-2](#)), subject to the following limitations, conditions, and restrictions:

- (a) A plan of development shall be submitted to the director of building inspections indicating location of buildings, lot area, number of storage units, type and size of signs, height of buildings, parking layout with points of ingress and egress, and location and type of visual screening and landscaping being proposed.

- (b) The development shall be exclusively limited to storage and those activities necessary for the operation, safety and maintenance of the development, in addition to those uses authorized in the applicable districts.
- (c) Within the authorized zoning districts, the development shall be permitted by right on sites not exceeding two and one-half (2½) acres unless the site is zoned L, I-1, or I-2. On sites exceeding two and one-half (2½) acres a specific use permit shall be required.
- (d) Screening shall be provided adequate to protect adjacent properties in a more restrictive district (all residential districts, NC, C-1, O-1 or O-2 districts) from the environmental impacts of the miniwarehouses such as visual blight, parking or roadway illumination, headlights, noise, blowing papers and dust, and service areas.
- (e) No advertising signs will be permitted on the property other than identifying signage of the miniwarehouse facility itself.

**35-383 Mixed Use Buildings and Live-Work Units****Live-Work Units**

(a) Mixed-Use Buildings or Live-Work Units shall be subject to the following criteria:

(A) Development Standards	(B) Mixed-Use Building	(C) Live-Work Units
Locational Criteria	<ul style="list-style-type: none"> <li>➤ Where permitted by the Use Matrix</li> <li>➤ In any PUD, MPCD, or MXD District</li> <li>➤ In any TND, TOD or Commercial Retrofit Use Pattern</li> <li>➤ In any IDZ Zone where at least one adjoining lot is devoted to non-residential uses.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Where permitted by the Use Matrix</li> <li>➤ In any PUD, MPCD, or MXD District</li> <li>➤ In any TND, TOD or Commercial Retrofit Use Pattern</li> <li>➤ In any IDZ Zone where at least one adjoining lot is devoted to non-residential uses.</li> </ul>
Types of land uses allowed	Residential, Retail, Office, Industrial	Residential, Retail, Office
Permitted density or intensity	No density restrictions apply. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.	See subsection (b), below. The building is subject to the setback and dimensional requirements of the Dimensional Matrix.
Distribution of uses	By floor (see below)	By floor (see below)
• Uses permitted on first floor	Retail, Office, Industrial	Commercial or office only
• Uses permitted on second floor	Residential, Retail, Office, Industrial	Residential only
• Uses permitted above second floor	Residential, Office	Residential only

(b) The density of mixed-use buildings or live-work units shall not exceed the following, at locations where the building is listed as a permitted use in the Non-residential Use Matrix ([Table 311-2](#) – see listing under category “Dwelling” and permitted use “Dwelling – Attached Apartments”):

Maximum Density (dwelling units per gross acre)	Ratio of Residential Floor Space to Non-Residential Floor Space (square footage)	Zoning Districts
6	1:1	C-1, C-2, C-3, D, ERZD
10	1:1	C-2, C-3, D, ERZD
20	2:1	C-3, D, ERZD
50	4:1	D, ERZD

### **35-384 Nurseries**

Nurseries are permitted in all districts provided that in residential districts:

- (a) they have no on-premises sales (either retail or wholesale),
- (b) they display no advertising signs on the property,
- (c) accessory structures do not exceed a total of six hundred (600) square feet in size,
- (d) no accessory structure or greenhouse is closer than fifty (50) feet to the front property line or to any adjacent residential zone, and
- (e) there is no outdoor storage of equipment or other materials except for Nurseries permitted pursuant to § 35-384 of this Article.

### **35-385 Oversized vehicles**

#### **(a) License and inspection requirement.**

All oversized vehicles must have a current license and inspection sticker if required by the state in which the vehicle is registered.

#### **(b) Vehicle use.**

Oversized vehicles shall not be used for dwelling, sleeping, or business purposes upon any street, alley, or other public place, or upon any private property except as otherwise specifically allowed in this Code or as follows:

- (1) Within a lawfully established recreational vehicle or manufactured home park, a campground, or other like facility which is designed and equipped to provide temporary or permanent accommodations for such vehicles.
- (2) An oversized vehicle owned by and registered to a person residing outside Bexar County who is visiting San Antonio may be parked behind the restricted parking area of a property owned by or leased to the host. If the oversized vehicle is designed for occupancy, it may be occupied by the guest, provided, however, such occupancy may not exceed ten (10) days per visit, with a limit of three (3) visits per year for each vehicle. Oversized vehicles shall not discharge any litter,

sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.

**(c) *Parking in residential districts.***

The parking of an oversized vehicle within the restricted parking area or the parking so that any portion of the vehicle extends into the restricted parking area is prohibited in any of the following zoning districts except as permitted in subsection (d) below: RP, RE.

**(d) *Residential parking exceptions.***

Oversized vehicles may be parked in a driveway or other permanently maintained parking area as specified by section 19-194 of this Code within the restricted parking area in the residential districts specified in subsection (c) above under the following conditions:

**(1) *Loading.***

An oversized vehicle of any type may be temporarily parked in the restricted parking areas for such time as is actually necessary to load or unload passengers, freight, or merchandise.

**(2) *Trip Preparation.***

An oversized vehicle, other than one that is also defined as a truck-tractor, road-tractor, semi-trailer, trailer or commercial motor vehicle with three (3) or more axles, may be parked within the restricted parking area for such time as is actually necessary for trip preparation. Trip preparation time shall be limited to a maximum of forty-eight (48) hours prior to use and twenty-four (24) after use twice within any calendar month.

**(3) *Handicapped Areas.***

An oversized vehicle of any type may be parked in the restricted parking area at any time if it bears a special handicapped parking permit (decal) issued by the handicapped access officer of the City of San Antonio.

- A. A disabled person who owns an oversized vehicle may apply to the city's handicapped access officer for such a permit if the person has a mobility impairment, uses the vehicle as a primary means of transportation or livelihood, and the vehicle is specially equipped or modified to accommodate the disability.
- B. The handicapped access officer may issue such a permit after inquiring into the facts and giving the applicant an opportunity to be heard, if the officer finds that (1) without the vehicle the applicant would be substantially limited in life's activities, (2) the physical handicap is permanent or long term in duration, (3) use of the oversized vehicle is necessary to provide reasonable mobility, (4) parking within the restricted parking area facilitates mobility, and (5) the vehicle has a disabled license plate issued by the State.
- C. A permit issued by the handicapped access officer shall be valid for a period of two (2) years. Renewal of the permit shall require re-examination of the facts.

- D. If a permit is denied by the handicapped access officer, the applicant may appeal to the board of adjustment in accordance with § 35-472 of this chapter. The board shall have the authority to reverse or affirm, in whole or in part, the decision of the handicapped access officer.
- E. It shall be a violation hereof for the holder of a permit issued hereunder to transfer title to the oversized vehicle without contacting the handicapped access officer for cancellation and removing the permit from the vehicle.

**(e) Definitions.**

In this section, the terms truck-tractor, road-tractor, semi-trailer, trailer and commercial motor vehicle shall have the same definitions as set out in Tex. Transportation Code Ann. § 502.001 (Vernon's Pam. 1996). However, such terms shall not mean "recreational vehicle" as that term is defined in Tex. Transportation Code Ann. § 522.004(b) (Vernon's Pam. 1996).

**(f) Penalties.**

The penalty for violation of any portion of this section is hereby established so that the minimum fine shall be one hundred dollars (\$100.00) and the maximum fine shall be two thousand dollars (\$2,000.00), provided, however, in the event a defendant has once previously been convicted under this Ordinance Number 84874, the defendant, upon conviction, shall be fined an amount no less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000.00) and upon third and subsequent convictions, the penalty shall be a fine of not less than three hundred dollars (\$300.00) nor more than two thousand dollars (\$2,000.00).



## **35-386      *Parking Lots as a Primary Use***

*Purpose: Parking structures require unique design considerations due to the fact that they can significantly contribute to the building bulk on a site. The provisions of this Section implement the following provisions of the Master Plan:*

- *Neighborhoods, Policy 1f: Amend zoning regulations to require special City Council approval for parking facilities that displace residences.*
- *Neighborhoods, Policy 5i: Encourage the construction of parking facilities in the downtown area to promote mixed-use and commercial activity centers and to be compatible in use, scale and material with the surrounding natural and built environment.*
- *Neighborhoods, Policy 5i: Encourage placement of parking facilities in locations which will support residential development downtown.*
- *Neighborhoods, Policy 5i: Discourage development of parking garages adjacent to the River Walk, and the City's plazas and parks.*
- *Neighborhoods, Policy 5i: Focus on preserving the housing stock and integrity of neighborhoods when selecting sites for parking facilities.*
- *Neighborhoods, Policy 5i: Analyze downtown's existing and potential growth and activity centers, and strategically construct parking facilities to accommodate maximum parking availability and efficiency.*

### **(a)      *Where Permitted.***

All parking lots shall be permitted as designated in the Use Matrix (§ 35-311, Tables [311-1](#) and [311-2](#)), except as provided in subsection (b), below.

### **(b)      *Parking Lots Requiring Demolition of Dwelling Units***

Notwithstanding any provision of this Chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a Dwelling Unit shall not be undertaken unless and until a Specific Use Permit is approved. The Specific Use Permit shall be approved only if the following standards are met:

- (1) The proposed conversion is located within an area classified as commercial, office, industrial, or similar classification in a land use plan adopted pursuant to § 35-420 of this Code; or
- (2) The structure proposed to be removed cannot reasonably be used or restored to habitable condition; or
- (3) The proposed parking is needed and there are no reasonable alternatives for the proposed parking lot for which the demolition is required; or
- (4) The proposed parking area will not promote residential disinvestment or promote further conversions of residences to non-residential purposes.

### **(c)      *Parking Structure Design Standards.***

**(1) Buffer.**

A type C buffer yard as required in the Landscaping Standards shall be provided in yards adjacent to a Residential Zoning District.

**(2) Frontage.**

The maximum frontage of any parking facility shall be restricted to the following unless ground floor retail uses are provided as set forth below:

D, NC, TND:	35 feet
O-1, C-1:	50 feet

Parking structures which exceed the frontage requirements as set forth above shall be designed so that a minimum of fifty (50) percent of the length of the exterior ground floor frontages, excluding vehicle entrances and exits, includes ground floor area either built out as, or convertible to, retail, commercial, or service uses. The applicable ground floor area shall extend in depth a minimum of twenty (20) feet from the exterior parking structure facade, provided that the minimum required may be averaged, with no depth less than fifteen (15) feet. The clear interior ceiling height standard for the retail/commercial or service use portion of parking structures shall be a minimum of ten (10) feet. Parking structures with frontages exceeding one hundred fifty (150) feet in length shall incorporate vertical and/or horizontal variation in Setback, material or fenestration design along the length of the applicable facade, in at least one of the following ways:

- A. Vertical Facades shall be designed to incorporate intervals of architectural variation at least every sixty (60) feet over the length of the applicable facade including one or more of the following: (1) Varying the arrangement, proportioning and/or design of garage floor openings; (2) Incorporating changes in architectural materials, including texture and color; and/or (3) Projecting forward or recessing back portions or elements of the parking structure façade.
- B. Horizontal Facades shall be designed to differentiate the ground floor from upper floors including one or more of the following: (1) Stepping back the upper floors from the ground floor parking structure facade; (2) Changing materials between the parking structure base and upper floors; and/or (3) Including a continuous cornice line or pedestrian weather protection element between the ground floor and upper floors.

**(3) Slopes.**

Parking decks shall be flat. At a minimum, a majority of both the ground floor and top parking decks shall be required to be flat, as opposed to continuously ramping.

**(4) Top Floor Wall.**

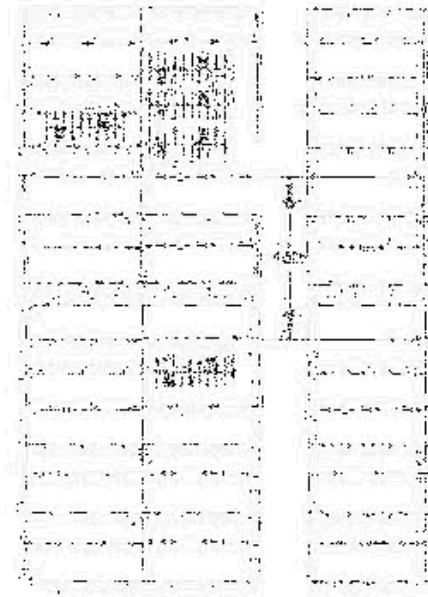
Parking structure top floor wall designs must conform to one or more of the following options:

- A. Architectural focal point: A prominent edge feature such as a glazed elevator and/or stair tower, or top floor line trellis structure.

- B. Projecting Cornice: Top floor wall line articulated through a variation or step in cornice height or detail. Cornices must be located at or near the top of the wall or parapet.
- C. Articulated Parapet: Top floor wall line parapets shall incorporate angled, curved or stepped detail elements.

**(d) Surface Parking Design Standards.**

- (1) Commercial surface parking areas which are the primary use and which exceed the frontage standards set forth above shall comply with one of the following:
  - A. Retail uses which comply with the Commercial Design Standards (§ 35-206(n) of this Chapter) shall be provided on at least sixty percent (60%) of their frontage.
  - B. A Class C Buffer shall be installed and maintained on at least eighty percent (80%) of the frontage.
- (2) In order to disperse parking facilities throughout commercial areas and to maintain easy walking distances between pedestrian destinations, no parking facility shall be located closer than one-hundred feet (100') to another parking facility. This distance shall be measured along the street frontage on the same side of the street.



**Parking Lot Distancing**

**35-387 Parking Lots (Noncommercial)**

Surface parking lots for nonresidential uses may be permitted in residential zoning districts subject to the conditions listed below:

**(a) Specific Use Permit Required**

Notwithstanding any provision of this Chapter to the contrary, the construction of any Parking Lot which involves the replacement, demolition, or destruction of a Dwelling Unit shall not undertaken unless and until a Specific Use Permit is approved. All other parking lots shall be permitted as designated in the Use Matrix.

**(b) General Requirements**

The following provisions are required regardless of whether a Specific Use Permit is required pursuant to subsection (a) or the Use Matrix (Tables [311-1](#) and [311-2](#)):

- (1) The parking lot shall be used only for the noncommercial parking of private motor vehicles of customers and employees. All other uses, including but not limited to the following, are prohibited: (1) the sale, display, storage, repair, servicing, or dismantling of any vehicles, equipment, or merchandise; (2) the parking of vehicles awaiting repair or service; and (3) the parking of trucks over three-fourths (3/4) ton capacity.
- (2) Within the single-family residential districts, noncommercial parking lots may be authorized by the board of adjustment for only those uses permitted by right or which have received special approval of the city council within these districts.
- (3) The property on which the proposed parking lot is to be located shall be platted in accordance with Article 4, Division 4 of this chapter.
- (4) The parking lot shall be properly graded for drainage; surfaced with concrete, asphaltic concrete, or asphalt; and maintained in good condition. The parking lot shall be kept free of weeds, litter, and debris.
- (5) Individual parking spaces shall meet the minimum size requirements of the Parking Standards of this Chapter.
- (6) No advertising signs shall be permitted on the lot other than signs indicating the owner or lessee of the lot and providing parking instructions. Sign lettering shall be limited to a maximum height of six (6) inches.
- (7) The parking lot shall not encroach within the front yard Setback and shall maintain a minimum Setback of ten (10) feet along all other perimeters adjacent to public streets or residential zones. The board of adjustment may vary the Setbacks as necessary to protect the residential neighborhood. Barriers shall be installed to prevent parking within the required Setback areas.
- (8) Parking lot driveways shall be located to minimize interference with residential traffic. If a parking lot abuts two streets of different classifications (e.g., collector versus local street), access shall be restricted to the street with the higher classification.
- (9) Unless specifically authorized by the board of adjustment, the parking lot shall not be used between seven o'clock p.m. and seven o'clock a.m. If authorized to be used at night, the lot shall be properly and adequately lighted. The standards to which the lights are affixed shall not exceed fifteen (15) feet in height and the lighting shall be confined within the boundary lines of the parking lot. The parking lot shall be provided with a gate or other sufficient barrier against vehicle entry during the hours the facility served is closed.
- (10) Landscaping. All required front, side, and rear Setback areas shall be landscaped and attractively maintained. The minimum plant requirements per one hundred (100) linear feet of Setback area shall include two (2) canopy trees, four (4) understory trees, and twenty (20) shrubs. In addition the Setback areas shall be planted with lawn or evergreen ground cover. Plant requirements shall be applied proportionally to Setback areas of less than one hundred (100) feet in length. Existing plants which meet the plant criteria may be counted toward

satisfying the landscape requirement. In addition to the Setback areas, an additional ten (10) square feet of landscaped area shall be provided and maintained for each parking space over twenty-five (25) spaces. This additional landscaped area shall be distributed in islands and medians throughout the interior of the parking lot and shall be protected with barriers to prevent damage from vehicles. Required landscaped areas shall be provided with either an underground irrigation system or a water connection within one hundred fifty (150) feet of all landscaping.

- (11) The lot shall be provided with a masonry wall or other adequate screening not less than three (3) feet nor more than six (6) feet in height at all lot lines fronting upon or adjoining a residential district. However, the board of adjustment may require such masonry wall or other adequate screening at points other than the property line if it determines such location provides more protection to the neighborhood. The screening or masonry wall shall in all cases surround the parking lot. On a corner lot, the wall or screening shall be erected back of the area designated by this chapter for corner visibility. Wheel guards shall be installed and maintained above ground at all such walls or screening to prevent vehicles from making contact with the walls or screening.
- (12) Application for a noncommercial parking lot shall be filed by the owner, lessee, or authorized agent with the department of building inspections. The application shall be accompanied by a site plan drawn to scale depicting the parking lot layout, proposed driveways, and all landscaping.
- (13) Granting of a Specific Use Permit for a noncommercial parking lot shall be for a definite period of time not to exceed four (4) years, and only after notice and a public hearing as provided in this article for appeals to the board of adjustment. In granting a Specific Use Permit, the board of adjustment may require the noncommercial parking lot to conform to such other conditions as the board may deem necessary to protect the character of the zoning district in which the lot is located.
- (14) Prior to actual use of a noncommercial parking lot, the owner or lessee shall obtain a certificate of occupancy from the department of building inspections to verify compliance with the conditions of the Specific Use Permit. If a certificate of occupancy is not secured within six (6) months of the date of approval, the Specific Use Permit shall be null and void and have no force or effect.
- (15) Noncommercial parking lots located in a historic district or landmark site shall conform to the regulations of Division 10, of this article and shall require approval of the parking lot plan from the board of review for historic districts and landmarks prior to construction.
- (16) Noncommercial parking lots authorized prior to April 1, 1989 shall comply with the conditions imposed at the time of their approval; however, their certificates of occupancy shall expire on the date of their approval in 1993. The director of building inspections shall notify the owner/lessee of these previously authorized lots and advise them that their Specific Use Permit must be renewed as required by subsection (a)(13) above.

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**35-388      *Radio, television antenna, and wireless communication systems*****(a)      *Applicability***

The provisions established in this Section shall apply to the development of wireless communications systems in the NC, C, O, L, I-1 and I-2 Districts.

**(b)      *Radio and Television Antenna.***

Radio and television antenna, limited to those used by the federal licensed amateur radio operators, unlicensed citizens band radio operators, and private citizens receiving television signals, including satellite dish antennae, shall be considered as permissible accessory uses in all zoning districts.

**(1)      *Height***

The height of an antennae shall be the total maximum to which it is capable of being raised and shall be measured from the finished grade adjacent to the antenna or antenna support structure if ground-mounted or from the peak of the roof if roof-mounted. Antennae within nonresidential districts shall comply with the height and Setback requirements for the particular district. Further, All antenna and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, § 35-333 of this Article.

**(2)      *Building Permit***

A building permit from the department of building inspections shall be required for the installation of any roof-mounted antenna or antenna support structure over twelve (12) feet above the peak of the roof and any ground mounted antenna or antenna support structure over twenty-five (25) feet in height. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the Uniform Building Code. Applications for a permit shall be accompanied by the following in duplicate:

- A. Construction drawings showing the proposed method of installation.
- B. The manufacturer' s recommended installations, if any.
- C. A diagram to scale showing the location of the antenna, property and Setbacks, easements, power lines, and all structures.
- D. Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the Uniform Building Code.

**(3)      *Maintenance***

All antenna shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the Uniform Building Code and this section.

**(4) Historic Landmarks or Historic Districts**

The installation of any antenna or antenna support structure within the property of an historic landmark or in an historic district shall require the approval of the historic review board.

**(5) Uses not Permitted**

Antenna not otherwise permitted under these regulations may be permitted as a Specific Use Permit if the applicant is able to present clear and convincing evidence to the board that the effect of the regulations on the applicant precludes effective communication.

**(c) Radio and Television Antenna in Residential Zoning Districts.**

In addition to the regulations in the (b) of this Section, the following shall apply to radio and television antenna in residential districts.

Antenna in residential zoning districts shall be located, designed, constructed and maintained in accordance with the following standards.

**(1) Categories Permitted**

Antenna may be roof or ground mounted, free standing or supported by guy wires, buildings or other structures in compliance with the manufacturer's structural specifications. A ground-mounted antennae shall be any antennae with its base mounted direct]y in the ground even if such an antennae is supported or attached to the wall of a building.

**(2) Roof mounted antenna.**

- A. The antenna, including support structure, shall not extend higher than fifteen (15) feet above the peak of the roof, except a single vertical pole antennae may extend up to twenty (20) feet above the peak of the roof.
- B. The antenna or antenna support structure shall be located on the roof portion sloping away from the front of the lot if possible. Otherwise the antenna or antenna support structure shall be located on the rear half of the roof.

**(3) Ground mounted antenna.**

- A. The antenna, including support structure, shall not exceed seventy (70) feet in height
- B. The antenna or antenna support structure shall not be located in any required front yard Setback or anywhere in the front yard between the principal building and the front Setback.

**(d) Wireless communication systems.**

Wireless communication systems shall be a Specific Use Permit. Prior to filing a request for a zone change with the zoning commission the following requirements must be met:



**(1) Building Permit**

A building permit from the department of building inspections shall be required for the installation of any antenna support structure or unmanned equipment shelter developed for a wireless communication system. A permit shall be issued only when there is full compliance with this section and the applicable provisions of the Uniform Building Code. Applications for a permit shall be accompanied by the following in duplicate:

- A. Construction drawings showing the proposed method of installation.
- B. The manufacturer's recommended installations, if any.
- C. A diagram to scale showing the location of the antenna, property and Setbacks, easements, power lines, and all structures.
- D. Certification by a structural or civil engineer registered by the State of Texas that the proposed installation complies with the structural requirements of the Uniform Building Code.
- E. All antennae shall be maintained in good condition and in accordance with the requirements of this section. No additions or modifications shall be made to an antenna, unless it is in conformity with the Uniform Building Code and this section.
- F. All antennae and antenna support structures shall comply with the height restrictions of the joint airport and airport hazard zoning regulations, Division 11 of this article, as applicable.

No provision within this part exempts requirements for compliance with the landscape ordinance.

**(2) Spacing of antenna support structures from residential zoning districts.**

Antenna support structures shall be spaced two hundred (200) feet from all residential zoning districts, measured from the base of the antenna support structure to the nearest residential zoning district boundary. Spacing requirements for antenna support structures on property zoned residential shall not apply if the property is vacant, undeveloped, and or unplatted and is located at least two hundred (200) feet, measured from the base of the antenna support structure to the nearest residential land use.

**(3) Equipment Buildings**

The wireless communication system unmanned equipment buildings shall not have more than seven hundred fifty (750) square feet of gross floor area and shall not be more than twelve (12) feet in height.

**(4) Design in Residential Zoning Districts**

Antenna support structures developed after the adoption of these regulations located in residential zoning districts must be monopole design. The height of antenna support structures in all districts may not exceed one hundred ninety-nine (199) feet. If the City Council approves a height of an antenna support structure which exceeds one hundred ninety-nine (199) feet, the spacing of the antenna support



structure to the nearest residential district must be at a minimum equal to one hundred ten (110) percent of the height of the antenna support structure.

**(5) HDRC Review**

Antenna support structure towers are prohibited if they are: within two hundred (200) feet of the San Antonio River; or within two hundred (200) feet of a historic landmark; or within two hundred (200) feet of a historic district or River Overlay District; or within a historic district or River Overlay District.

**(e) Wireless Communications Systems Permitted by Right**

Wireless communication systems shall be a use permitted by right in all zoning districts and not subject to the requirements of § 35-311, permitted uses, if:

- (1) The requirements set forth in subsections (d)(1) through (d)(5) of this Section are met; and,
- (2) The antenna support structures must be constructed to support a minimum of two (2) antenna arrays from two (2) separate wireless communication system providers or users.
- (3) No provision within this part exempts requirements for compliance with the Landscaping Standards of this Chapter.

**(f) Wireless Communication Systems in Public Right-of-Way**

Wireless communication systems shall be a use permitted by right in all zoning classifications if the land, structures, rights-of-way or easements are owned, leased or used by the City of San Antonio, San Antonio Water System, or city public service; if:

**(1) Generally**

City Public Service electrical substations and power generation plants shall be reviewed by the Historic and Design Review Commission if they are within two hundred (200) feet of the River Overlay District, or if they are two hundred (200) feet of a historic landmark, if they are within two hundred (200) feet of a historic district, or if they are within a historic district.

**(2) Spacing of antenna support structures from residential structures.**

Subject to provisions set forth in subsection (5), antenna support structures shall be spaced from all residential structures, at a minimum equal to one hundred fifteen (115) percent of the height of the antenna support structure, measured from the base of the antenna support structure to the nearest residential structure. Spacing requirements for antenna support structures on property zoned residential shall not apply if the property is vacant, undeveloped, and or unplatted and is located at least two hundred (200) feet, measured from the base of the antenna support structure to the nearest residential structure. Spacing requirements for antenna support structures shall not apply to existing city public service electrical substations and power generation plants.

**(3) Co-Location**

All antenna support structures must be constructed to support a minimum of two (2) wireless communication system antenna arrays from two (2) separate wireless communication system providers

or users. Antenna support structures erected on city public service electrical substations shall not be subject to construction standards that require design and construction to support two (2) or more antenna array.

**(4) Prohibitions regarding the River Walk, Historic Landmarks, and Historic Districts**

Wireless communication towers shall be prohibited in all zoning classifications if the land, structures, rights-of-way or easements are owned, leased or used by the City of San Antonio, San Antonio Water system, or City Public Service and are within two hundred (200) feet of the River Overlay District, or are within two hundred (200) feet of a historic landmark, or are within two hundred (200) feet of a historic district, or are in a historic district.

**(5) Spacing Exemptions**

Antenna array may be attached to existing antenna support structures, transmission towers, existing poles and water tanks and towers in all zoning districts, without spacing requirements; if,

- The pole replaced or modified is a functioning utility pole or light standard within a utility easement or public right-of-way, recreation facility light pole, or antenna support structure; and,
- The replaced or modified antenna support structure, including antenna array, does not exceed the height of the original utility, light standard, or recreation facility pole by more than twelve (12) feet, or the height of the original telecommunication tower and antenna array; and,
- The pole replaced with an antenna support structure does not obstruct a public sidewalk, public alley, or other public right-of-way; and, pole appearance and function, except for antenna, are not significantly altered.

**(6) Building Permit Exemptions**

No building permit shall be required for wireless communication systems developed on city public service electrical substations and power generation plants.

**(7) Landscaping Standards**

No provision within this part exempts requirements for compliance with the Landscaping Standards of this Chapter.

## **35-390 Sanitary landfills, solid waste facilities.**

Sanitary landfills and solid waste facilities are permitted in the I-2 Heavy Industry District, subject to special approval by the city council and the following conditions:

**(a) Separation Distance**

A minimum separating distance of one hundred (100) feet shall be maintained between disposal operations and the perimeter of the site

**(b) Fencing**

A chain-link fence with a minimum height of six (6) feet, shall be installed along the perimeter of the site.

**(c) Buffering**

A thirty (30) foot greenbelt shall be established and maintained adjacent to the fence along the site perimeter. The greenbelt shall be established prior to issuance of a certificate of occupancy and shall include, as a minimum, the following number of plants per one hundred (100) linear feet of greenbelt: Five (5) canopy trees, and fifteen (15) shrubs.

Existing trees and shrubs may be counted toward satisfying the greenbelt requirement. Newly planted vegetation shall meet the minimum size standards required by section 35-3168, "Buffering techniques," and shall consist of native or naturalized low maintenance species. Once the zoning is approved by the city council, the applicant shall submit three (3) copies of a greenbelt plan, drawn to scale, to the director of parks and recreation for approval. The plan shall be prepared and signed by a registered landscape architect and shall include the following information:

- (1) Location and type of existing vegetation, if any.
- (2) General location and species of proposed canopy understory trees, and shrubs.
- (3) Description of how the greenbelt will be maintained to include provision for adequate irrigation.
- (4) Property lines.

The director of parks and recreation shall approve or disapprove the plan within twenty (20) working days of submittal. If approved, a copy of the plan shall be forwarded to the director of building inspections for use in issuing the certificate of occupancy.

**(d) Land Use Plan**

The zoning application shall be accompanied by a land use plan indicating the following information:

- Character of the surrounding land uses within one mile of the proposed facility.
- Proximity to residences and other uses (schools, churches, cemeteries, historic structures and sites, archaeologically significant sites, sites having exceptional aesthetic quality, etc.). Give the approximate number of residences and business establishments within one mile of the proposed facility including the distances and directions to the nearest residences and businesses.
- Availability and adequacy of access roadways, to include types of surfacing, pavement widths, complete details of upgrading required, any significant roadway limitations (structures, surfacing, sight distances, alignment, dust hazards, weight limits, etc.), and estimate the number, size, and maximum weight of vehicle expected to use the site daily.

- Volume of vehicular traffic on access roads, both existing and expected, during the life of the proposed facility.
- Existing and proposed elevations of the landfill and the area within one mile of the proposed facility.

**(e) Monitoring System**

A monitoring system approved by the director of environmental management shall be installed to detect any lateral migration of methane and other decomposition gases.

**35-391 Schools, Public**

Consistent with Texas law, the provisions of this Chapter shall not be construed to regulate the location of Public Schools. However, Public Schools shall be required to comply with the dimensional standards ([§ 35-310](#)) and the provisions of Article 5 of this Chapter to the extent not preempted by state law.

**35-392 Sexually oriented business regulations**

These regulations are authorized by VTCA Local Government Code chapter 243.

**(a) Applicability**

These regulations shall apply to all sexually oriented businesses operating on or after the effective date of this ordinance. Further, any sexually oriented business annexed by the city after the effective date of this ordinance shall be subject to all the requirements of this section. Existing sexually oriented businesses shall refer to this section and to nonconforming use regulations (Article VII, Division 1 of this Chapter) to determine their appropriate classification.

**(b) Property uses requiring separation.**

Notwithstanding any provision of this Code to the contrary, it shall be a violation to use or occupy land or a building for the purpose of operating or maintaining a sexually oriented business within one thousand (1,000) feet from property (referenced within this section as protected property, "protected use" or "protected zone") that is described as follows:

- (1) Another Sexually Oriented Business;
- (2) Any property located within a "RP" or a Residential Zoning District, whether temporary or permanent, or devoted to a residential use, including any land zoned for one of the aforementioned residential uses which is also described as a Planned Unit Development or Traditional Neighborhood Development, but excluding airports;
- (3) Any property devoted to church, synagogue, mosque, or other religious worship facility used primarily for religious worship;

- (4) Any public or private elementary, secondary or high school; or
- (5) Any public park.

**(c) Method of measurement and survey requirements.**

**(1) Sole Tenant.**

Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot on which the sexually oriented business is located, to the nearest property line of the protected properties described in the above subsection (a), which requires separation. This method of measurement shall apply to a sexually oriented business which is the sole tenant, within one building, located on one platted lot.

**(2) Multiple Tenant.**

Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the occupied space of the sexually oriented business to the nearest property line of the protected property described in the above subsection (a) which requires separation. This method of measurement shall apply to a sexually oriented business which is a tenant within a multiple tenant building.

**(3) Easements Excluded.**

In calculating the distances described in subsection (b)(1) and (b)(2) immediately above easements (such as right-of-way, drainage and utility easements) that are zoned as, or abut, a protected property classification, shall not be considered as part of the protected property.

**(4) Surveyor.**

A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with (1) and (2) of this subsection shall be submitted to the director of building inspections for all sexually oriented businesses as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a sexually oriented business without submission of the required survey shall be null and void.

**(d) Downtown district prohibition.**

In addition to the location restrictions of subsection (a), it shall be a violation to operate, own, manage, or maintain a sexually oriented business within the "D" Downtown district.

**(e) Nonconforming rights.**

See § 35-708 of this Chapter.

**(1) Annexation.**

Any sexually oriented business annexed by the city after the effective date of this ordinance shall be subject to all the requirements of this section.

**(f) Certificate of Occupancy.**

See § 35-424(c) for procedures for issuance of a certificate of occupancy for a Sexually Oriented Business.

**(g) Violations subject to criminal and civil penalties.**

See § 35-497 of this Chapter.

**35-393 Subdivision sales offices.**

**(a) Permitted.**

Subdivision sales offices shall be permitted in any district on a temporary basis for a two-year period or until sales of ninety-five (95) percent of the houses in the subdivision have been consummated, whichever is greater.

**(b) Definition of service area.**

An official map of the addition to be served, along with the proposed office location, shall be furnished the director of building inspections at the time the permit for such office is requested.

**(c) Occupancy permit required.**

Occupancy permits shall be reviewed at six (6) month intervals by application with the director of building inspections.

**(d) Signs.**

Advertising signs, limited to four (4) in number, and restricted to identification of the land developer and to advertising of residences for sale will be permitted. Such signs shall be limited to two hundred eighty-eight (288) square feet in area and shall not be of neon or flashing type. Also, temporary signs advertising individual homes for sale will be permitted when limited to a maximum of twelve (12) square feet.

**(e) Removal of improvements.**

Any lighting, paved area, curb cuts, or signs erected or constructed for use of such office shall be removed and the property returned to complete residential character upon expiration of occupancy permit.

**(f) Construction and location.**

This operation shall be conducted for sales within the subdivision. The office shall be used for sale of houses within the applicable addition only and shall be used for no purpose other than that of conducting sales of residences or for residential use.

**35-394 Transitional homes.**

A transitional home established after November 17, 1997, shall not be located within one thousand five hundred (1,500) feet of any public/private elementary, middle or high school, public/private children's day care facility requiring a certificate of occupancy and/or public park.

**(a) Method of measurement and survey requirements.**

- (1) Measurements shall be in a straight line, without regard to intervening structures or objects, from the nearest point of the platted property line of the lot on which the transitional home is situated to the nearest point on the property line of a public/private elementary, middle or high school, a public/private children's day care facility requiring a certificate of occupancy, and/or public park.
- (2) A certified survey prepared by a licensed surveyor or licensed engineer showing distance measurements in accordance with this subsection shall be submitted to the director of building inspections for all transitional homes as part of the application for the certificate of occupancy. Any certificate of occupancy issued for a building or facility used to conduct a transitional home without submission of the required survey shall be null and void.

**(b) Signage.**

All structures used as a transitional home must have an all weather lighted sign of two (2) feet by four (4) feet message area identifying the facility as a transitional home for parolees.

**(c) Building Standards.**

- (1) No more than two (2) parolees may be assigned to a single bedroom.
- (2) One bedroom with two (2) separate beds must be available twenty-four (24) hours a day for each two (2) paroles housed within the facility.
  - A bedroom housing one (1) parolee shall have a minimum of one hundred (100) square foot of usable floor space exclusive of closets or other personal storage areas. A bedroom housing two (2) parolees shall have a minimum of one hundred fifty (150) square foot of usable floor space exclusive of closets or other personal storage areas.
  - One bathroom consisting of a tub and/or shower and one toilet, and two (2) lavatories shall be provided for each four (4) parolees housed.

- A common room for leisure activities shall be provided at the rate of two hundred (200) square foot for the first two (2) parolees and an additional fifty (50) square foot for each additional two (2) parolees.
- A full kitchen must be maintained and will be subject to compliance with applicable codes and inspection by the San Antonio Metropolitan Health District.

**(d) Lot Standards.**

A rear yard area of fifty (50) square foot per parolee housed shall be provided for the occupants.

**(e) Staffing.**

The transitional home shall be staffed twenty-four (24) hours a day with one attendant per fifteen (15) parolees.

**(f) Parking.**

- All required parking shall be provided off-street.
- One space per attendant and one space per six (6) parolees shall be provided.

**(g) Outdoor Activities.**

Outdoor activities shall be limited to the hours of 6:00 a.m. until 9:30 p.m. seven (7) days a week.

**(h) Nuisance.**

The transitional home may be considered a public nuisance if any of the following occurs:

- More than two (2) police disturbance calls are recorded within a three-month period involving parolees housed at the transitional facility.
- A code violation notice goes uncorrected for more than thirty (30) days; or
- More than five (5) nuisance complaints from adjoining property owners are received and validated by the police department within a six-month period. If the director of code compliance determines that any of the three (3) provisions occur, he shall request that the city attorney take court action to abate the nuisance where appropriate under law.

**(i) Permissible tenants.**

- No tenant or parolee may occupy a transitional home in any capacity if previously convicted of a sex oriented crime, child molestation, and/or murder in any degree.



- No tenant or parolee may occupy a transitional home without first being screened for Tuberculosis. The operator of the transitional home must demonstrate that any tenant or parolee testing positive for Tuberculosis is of no danger to other tenants or parolees relative to possible transference or infection of said residents.

**(j) Violations.**

Violation of any provision of this ordinance is a Class C misdemeanor and upon conviction violators are subject to the provisions of the City Code of the City of San Antonio, Texas, entitled "Unified Development Code Section 55-1024."

If the provisions herein are in conflict with preemptive state or federal law then the transitional home shall be required to comply with the applicable state or federal law rather than those provisions of this section to the extent of such conflict.

**35-395 Temporary uses.**

**(a) General.**

The director of building inspections may authorize the temporary use of a structure or property for a purpose that is not specifically permitted by the regulations prescribed for the zoning district in which the property is located, provided that such use does not involve the erection of a substantial structure or substantial alteration of the premises and is in accordance with the regulations specified below. The director may require that traffic control and/or parking plans be approved by the police and public works departments as a prerequisite for approving any temporary use. A certificate of occupancy for a temporary use may be granted for the period of time indicated, subject to such conditions as will safeguard the public health, safety, convenience, and welfare. All temporary uses shall comply with the noise limitations set out in Chapter 21 of the City Code.

**(b) Promotional circuses and carnivals.**

These uses may be permitted in nonresidential districts in accordance with the following criteria:

- (1) No structure, tent, equipment, or mechanical ride shall be located within five hundred (500) feet of property used for residential purposes.
- (2) The site shall be a minimum of one (1) acre in size.
- (3) The maximum permitted time period shall be two (2) weeks.
- (4) The hours of operation shall be limited from 9:00 a.m. to 10:00 p.m.
- (5) The circus or carnival shall be in conjunction with an existing use on the same property.

**(c) Christmas tree sales.**

This use is permitted within nonresidential zoning districts for a period not to exceed forty-five (45) days. A site plan shall be submitted to the director of building inspections to ensure that Setbacks and clear vision area requirements are met.

**(d) Construction offices and equipment sheds.**

These uses may be permitted in any zoning district incidental to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within ten (10) days after completion of the construction project.

**(e) Tents.**

Tents used for special events may be permitted for a period not to exceed one (1) week.

**(f) Oversized vehicles.**

The parking of oversized vehicles within nonresidential districts may be permitted for a maximum of fifteen (15) days in conjunction with conventions, trade shows, or other similar events sponsored by organized groups with the prior written approval of the director of building inspections. If the police chief, director of public works, and director of health determine that no health, safety, or traffic hazard or other potential nuisance will be created, approval by the director shall be granted. Oversized vehicles shall not discharge any litter, sewage effluent, or other matter except into sanitary facilities designed to dispose of such materials.